13.

THE

FURTHER PROGRESS

OF

COLONIAL REFORM;

BEING

AN ANALYSIS

OF

THE COMMUNICATION MADE TO PARLIAMENT BY HIS MAJESTY, AT THE CLOSE OF THE LAST SESSION,

RESPECTING THE MEASURES TAKEN FOR IMPROVING THE CONDITION OF THE SLAVE POPULATION IN THE BRITISH COLONIES.

Comprising the Period from January 1826, to May 1827.

In Continuation of two Pamphlets, "The Slave Colonies of Great Britain," &c. and "The Progress of Colonial Reform," containing a View of the advance made in carrying into effect the Recommendations of His Majesty, with respect to Negro Slavery, between May 1823, and December 1825.

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FURTHER PROGRESS

OF

COLONIAL REFORM,

&c.

In the House of Commons on the 1st of March 1826, and afterwards at the close of the session of Parliament, Mr. Canning, after stating in strong terms his disapprobation of the past conduct of the colonial legislatures, expressed a hope that, if a little more space were given them for a fair trial, the best effects might follow. "If, however," he added, "due advantage is not taken by them of that space which shall be allowed them, it may then become the duty, if not of Parliament to take the matter out of the hands of Government, at least of Government to call upon the Parliament to arm them with additional power. It is, therefore, the design of the Government at home, to take such steps as shall bring the intentions of the colonial legislatures to a fair trial. It is their purpose to direct the introduction of a bill into each of the legislatures, in its next session, embodying the Trinidad Order in Council, so as to ensure the acceptance, rejection, or modification of the recommendations which it contains. I should much regret that Parliament should take any step to intercept the course of this plan, which, if it succeeds, will be more acceptable than any forcible measure; and if it should fail, Parliament will at least have the consolation of not having resorted to ultimate measures, until they had exhausted the expectation of any thing being done by the colonies themselves. Coercion must be applied to confirmed obstinacy; but the degree of contumacy has not yet arisen which calls for its exercise." *

To the same effect, on the 7th of March 1826, Earl Bathurst, in the House of Lords, observed that—"Bills embodying the various pro-

* Report of Debate in Anti-Slavery Reporter, No. X. p. 100 to 102.

visions of the Trinidad Order in Council, would now be sent to the Governors of the several West India Colonies, by whom they would be proposed to the consideration of their legislative assemblies, and the Government would soon be in possession of their decisions upon them. From the earnest manner in which the subject would be recommended to their attention, he did hope that it would have a successful result. But should it prove otherwise, it would then be for their Lordships to consider what course it would be expedient to adopt, to carry their measures into effect." *

The result of this new effort of the Government was made known to Parliament, not at the beginning of the session of 1827, as was expected, but at its very close, when it was impossible to make any use of the communication. This circumstance, together with the unsettled state of His Majesty's Government, which had rendered vain the hope of any beneficial discussion of the subject in Parliament, obliged the advocates of Colonial Reform, though most reluctantly, to postpone to a future session any movements for the promotion of that object.

The information which has at length been laid before Parliament on this great question, is contained in 600 closely-printed folio pages, under the following title,

"Papers presented to Parliament by His Majesty's Command, in explanation of the measures adopted by His Majesty's Government, for the melioration of the condition of the slave population in His Majesty's possessions; in continuation of the papers presented in the year 1826—Part I. and Part II. 1827."

The report of the proceedings in each of the colonial legislatures is introduced by certain circular communications from Lord Bathurst to the Governor. These circulars exhibit slight variations from each other, arising from the somewhat varying circumstances of the different colonies, but as in all *essential* points they are identical, it will be sufficient to state the substance of any one of them, in order to show the nature and bearing of the instructions thus issued by His Majesty's Government, in fulfilment of the above pledge to Parliament.

The despatches in question bear date the 19th of March, and the 21st of May, 1826.

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* Report of Debate, Anti-Slavery Reporter, No. X. p. 109.

In the former, Lord Bathurst recapitulates the steps he had already taken to bring the subject before the colonial legislatures, and having adverted to the continued non-fulfilment of his hopes of amelioration, goes on to observe, that he has now to communicate to them the unanimous concurrence of the House of Lords, in the Resolutions of the House of Commons, of the 15th of May, 1823.

"In order to enable you," his Lordship proceeds, "to bring the whole subject under the consideration of the assembly, in a more distinct shape, I shall take an early opportunity of sending out to you all the measures contained in the Trinidad Order of Council, classed under separate heads, and accompanied with such explanations as may be necessary, with a view of placing in a clearer light the effect of some of those provisions which I have reason to believe have been misunderstood. On the receipt of this communication you will be able to take the proper steps for having bills drawn up for carrying these measures severally into effect, in such manner as may be most conformable to the existing laws. When these bills have been duly prepared, you will cause them to be brought under the consideration of the assembly, so that the assembly may have them separately before them, and either pass them in the shape in which they will be introduced, or make such amendments, or modifications of their provisions as the assembly may deem expedient, unless (what I anxiously deprecate) they should come to the decision of rejecting them.

"The assembly will then be placed in full possession of all which His Majesty's Government contemplate for carrying into effect the resolutions of the two houses of Parliament; and the result of their deliberations will enable His Majesty's Government to judge whether it will be necessary to take any other course for the attainment of that object. If you should have it in your power to announce to me, that the Council and Assembly have agreed to bills substantially carrying into effect all the measures which have been brought under their consideration, it will only remain for me, in communicating to you His Majesty's allowance of these bills, to congratulate you and the legislature on the establishment of a system, both for the improvement of the condition of the slave population, and for providing for the manumission of the slaves or their families on a principle of equitable appraisement:—which system will then have fully carried into effect the resolutions of the two Houses of Parliament. Nothing will then

remain but to provide for the improvement of the judicial system, and for its accommodation to the present wants of the whole community, including the slave population."

The circular despatch of the 21st of May 1826, announces the transmission of the promised bills.

"These enclosures," Lord Bathurst says, "relate to the eight following subjects: 1st, the office of Protector or Guardian of Slaves; 2nd, the admission of the evidence of slaves in civil and criminal cases; 3rd, the manumission of slaves; 4th, the intermarriage of slaves; 5th, the observance of Sunday, and the abolition of Sunday markets on that day; 6th, the acquisition of property by slaves, and the establishment of saving banks for the better protection of it; 7th, the separation of families under judicial process; and 8th, the punishment of slaves, with the record to be kept of such punishments, when inflicted by the authority of the owner."

These drafts of bills, his Lordship states, are accompanied by explanatory notes, and by copies of his official correspondence on this subject with the Governors of Trinidad and Demarara, from which, he adds, will be learnt the views taken, by Government, of the various objections urged against the provisions of the Order in Council, and of the points in that order which are of primary and essential importance. His Lordship then proceeds thus—

"I am perfectly aware of the difficulty, if not impossibility, of framing in this country, on so comprehensive a subject, enactments which are to have their operation in ———. I am aware also, that upon some of the topics comprised in these enclosures, the wishes of His Majesty's Government have already, to a certain extent, been anticipated by the existing laws, and that, without a very intimate and practical acquaintance with those laws, it may, perhaps, be impracticable to frame, with safety, new legislative provisions on the same or similar subjects.

"In transmitting, therefore, to you, the enclosed papers, I do not propose them as drafts which could be passed without a careful revision, nor probably, without some material alterations. My object in this communication has rather been to explain anew, under separate heads, and in the fullest manner, the measures which His Majesty's Government desire to introduce; and I have for this purpose adopted the form and language of legislative acts, because in no other way

could those views be explained with equal accuracy and precision. His Majesty will, however, be ready to confirm any laws in which the legislature of ——— may effectually imbody these principles, and give effect to those intentions, however much such laws may depart from the enclosed papers in arrangement, language, or minor details."

The Governors are further directed to consult the law officers of the Crown, as to the form and structure of the proposed laws, and then to introduce them to the legislatures, "with such discretion, and with such a regard to their constitutional privileges, as to afford no reasonable cause for any jealousy or complaint on their part."

They are likewise instructed to report fully, and with as little delay as possible, the progress which may have been made, and also the reasons which may have prevented the adoption of any of the clauses, distinguishing what may have been enacted and what rejected; and in cases where former acts may be thought to have rendered further legislation unnecessary, copies of such previous acts are to be sent.

"I have thus once more," observes his Lordship in conclusion, "directed your attention to this most important subject; and I cannot close the present despatch without again reminding you, that His Majesty's Government will feel the most lively interest in the result of the deliberations of the legislative council and assembly in the ensuing session. I am not disposed to anticipate the continued rejection of enactments so earnestly and anxiously looked for by both Houses of Parliament, and by every class of society in this kingdom. On the contrary, I must still hope that it will shortly be in my power to lay, before His Majesty, Acts fully carrying into effect the spirit of the various provisions, which, by His Majesty's commands, I have now the honour to transmit to you."

Before proceeding to state the effect produced by this communication, it will be necessary to make a few remarks on the communication itself.

Lord Bathurst directs that the bills, for carrying his propositions into effect, be drawn up in such a manner as shall be "most conformable to the existing laws." This instruction may possibly mean no more than that the terms used, or the forms prescribed, in the new acts, shall be in conformity with existing usage. But if it is to be understood as implying the necessity of conforming to the principles and the spirit of the existing slave laws, its expediency may be fairly ques-

tioned. No one who has formed an adequate conception of the unjust and barbarous character of those laws can hope for improvement in such a course; on the contrary, he will feel that it is only by a wide departure from their principles, and a general counteraction of their spirit, that any real amelioration is to be effected.

Lord Bathurst informs the Assemblies, that the eight Bills which he has sent to them will put them "in *full* possession of *all* which His Majesty's Government contemplate for carrying into effect the resolutions of the two Houses of Parliament." This is certainly a startling statement. Is it to be understood as a renunciation, on the part of His Majesty's Government, of any progressive measures of improvement (judicial reforms excepted) beyond those provided for in these Bills? If so, it appears to be a manifest departure from the Resolutions of 1823, and from the assurances given to Parliament and the public on the subject by His Majesty's Government. On the 16th of March, 1824, when Mr. Canning detailed to the House of Commons the particulars of the Trinidad Order in Council, which he represented as the intended model of reform for all the Colonies, and which, though with material drawbacks, now forms the very *corpus* of Lord Bathurst's eight Bills, he was strongly urged by Mr. Baring, Mr. Manning, Mr. Blair, and other West Indians, to draw there the line, and there fix at once where concession was to stop, so as to settle the question for ever. Mr. Canning repelled this proposition with considerable warmth. There were persons, he said, connected with the West Indies, who wished to force Government to give a pledge that no more should be done than was now proposed; but he would not commit himself on the subject. He would not consent to be fettered by any engagements express or implied. He would not be led by either side, or in either sense, to declarations from which it might be impossible to advance and dangerous to retreat. It would be improper either to declare an intention of stopping at the present point, or to hold out pledges of ulterior and accelerated measures. We must proceed with extreme circumspection, watching the signs of the times, and taking advantage of every occurrence; but we must reserve to ourselves a discretion and a freedom of action, which it would be madness to throw away.*

But does not this despatch of Lord Bathurst commit the very error

* Debate of 16th of March, 1824, p. 71.

which Mr. Canning so energetically deprecated? His Lordship says that he has put the Governors in *full* possession of *all* the measures contemplated by his Majesty's Government; and he afterwards adds, still more unequivocally, that the system embraced by the eight Bills, (the Bills themselves falling short of the original Order in Council for Trinidad,) is considered by him as *fully* carrying into effect the resolutions of Parliament; and that when it is adopted, *nothing* will remain to be done but to improve the judicial administration. If we are right in apprehending that, in thus fettering himself, Lord Bathurst has incurred the very evil against which Mr. Canning was careful to guard, and has abandoned the ground which the Government engaged to maintain; then it would seem expedient, when the subject is next brought before Parliament, that care should be taken to obtain a disavowal of so questionable a proceeding.

Lord Bathurst's compliment to the Colonial Assemblies, as if in their existing statutes they had anticipated, to a certain extent, the wishes of His Majesty's Government, though wholly unmerited, may be passed over in silence; but when he speaks of the *difficulty*, if not *impossibility*, of framing, in this country, enactments which are to operate in the West Indies; and of the *impracticability* of framing new legislative provisions on the subject of slavery; it cannot but excite general astonishment. Is not this virtually to renounce the *moral* right, at least, of legislative interference, on the part of this country, in the concerns of the West Indies? And what possible ground can there be for such a renunciation? If the allegations were true, Lord Bathurst himself has incurred a heavy responsibility; the general tenor of his official conduct having been in contradiction to them. The Trinidad Order in Council, which contained an entire new slave code, was framed, not in that island, but in his Lordship's office in Downing Street. What extraordinary revolution then has taken place to render that work of legislation so difficult, impossible, impracticable, in 1826, which, in 1824, was so easily executed, and also, in the estimation of his Lordship, so wisely and skilfully executed, as to serve for the future and finished exemplar of all colonial slave legislation? The despatch seems wholly to have overlooked the fact that this code, so framed in Downing Street, was imposed on the colony of Trinidad without qualification or reserve. His Majesty's Government, therefore, must have been convinced of the wisdom, safety, and practicability of this legislative act, and of its

adaptation to the circumstances of the Colonies, or they never would have adopted it as their own measure, and peremptorily enforced its reception in Trinidad, even in direct opposition to the opinions of the whole body of the Planters. Nor does their conviction of its wisdom seem to have been altered by a more matured experience, for its adoption is still urged on all the Colonial Legislatures, as the only means of escape from the direct interference of Parliament. The language of the despatch, therefore, on this subject, seems altogether inexplicable; or if the despatch really expresses his Lordship's sentiments, it is difficult to imagine how he should have been induced first to issue a finished enactment on this impracticable subject in the island of Trinidad, and, after the lapse of two years, again to recommend that enactment, divided into eight Bills, to the adoption of the local legislature of every Slave Colony belonging to His Majesty. But independently of this circumstance, it seems not very reasonable to plead incompetency, in the Councils of this country, considering the legal aid they may command, for that task of legislation which is delegated so freely to the Planters of the Bahamas, Bermuda, Tortola, &c. &c.

Before quitting the consideration of this despatch, it seems necessary to re-state the points in which the Trinidad Order in Council itself, and consequently the Bills framed according to the latest modification of it, fall below the expectations originally held out to Parliament and the public, by His Majesty's Government, on the subject of Colonial Reform.

1. Though entitled an Order for "*promoting the religious instruction*," as well as "improving the condition of the slaves," it nevertheless comprises no provisions whatever either for their education or for their religious instruction.

2. It does not abolish Sunday markets, but, on the most unsatisfactory grounds, continues still to sanction them. It proposes, indeed, at some undefined future time, to abolish them; but three years have passed, and not only are Sunday markets still lawful, but they are so regulated by law as to produce great additional hardship and inconvenience to the slaves, whom the Order was expressly intended to benefit.*

3. Equivalent time was to have been allowed the slave, in lieu of

* See for a more detailed view of this subject the Anti-Slavery Monthly Reporter, No. XI. p. 132—135.

Sunday, for raising food and for marketing. This stipulation has not been fulfilled, either in the Trinidad Order or in any of the Bills founded upon it.*

4. The evidence of slaves is admitted, but with such limitations as almost entirely to destroy the efficiency of the measure.†

5. The slave, in obtaining rights of property, continues debarred, under heavy penalties, from raising or vending any article of exportable produce.‡

6. The separation of families by sale is only prohibited in the single case of *judicial* sales.§

7. Slaves may still be sold detached from the estate to which they belong.

8. No record, as respects arbitrary punishments by the master, is required, except in the case of *plantation* slaves.‖

9. The Protector of Slaves, though he may not be a proprietor of slave plantations, in the particular colony in which he acts as Protector, may hold *personal slaves* even there to any amount, and may hold slave plantations in every other colony.¶

10. The Assistant Protectors of Slaves may possess slaves, whether predial or domestic, without any limitation.**

But besides these deviations from the course which it was originally proposed to pursue, there are some other points materially affecting the happiness of the slave which are wholly omitted. One is, that the hours of labour are not fixed.†† Another, that it sanctions the cruel and unjust principle of authorizing the infliction of severe corporal chastisement on the complaining slave, who, under all his disadvantages as a witness, shall not have proved the truth of his complaint.‡‡

However excellent may have been the intention of the framers of the regulations in the Trinidad Order, respecting manumission, they have failed in guarding them from most enormous abuse. It is only necessary to refer, in proof of this, to the case of Pamela Monro, as it stands in the papers of 1827, Part II. p. 265—271.§§

Having thus given as succinct an account, as is consistent with

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* Ibid. p. 134. † Ibid. p. 136—138. ‡ Ibid. p. 139, 147.
§ Ibid. p. 139. ‖ Ibid. p. 140, 141. ¶ Ibid. p. 142.
** Ibid. p. 143. †† Ibid. p. 143. ‡‡ Ibid. p. 144.
§§ See also Anti-Slavery Monthly Reporter, No. XXVII. p. 70.

clearness, of the proceedings of His Majesty's Government, in carrying into effect the promise made to Parliament, in the session of 1826, on the subject of Colonial Reform; the next step will be to shew the effects which have resulted from these proceedings in each of the Slave Colonies respectively, taking them, for the sake of convenience, in their alphabetical order.

I. Antigua.

The circular communications of Lord Bathurst, as above described, having been submitted to the Assembly of Antigua, were received in such a manner as induced Sir Patrick Ross, the Governor, to signify to his Lordship, in a letter of the 8th August, 1826, that he entertained "the strongest doubts of the deliberations of the Assembly of Antigua, on this important subject, terminating in a manner at all answerable to the expectations of His Majesty's Government and of the British Parliament." This unfavourable anticipation of the Governor has proved to be correct. The legislature of Antigua have done nothing.*

II. Bahamas.

On the 8th of January, 1827, Mr. Munnings, the acting Governor, informed Lord Bathurst, that the eight Bills transmitted by his Lordship, having been first adapted to the circumstances of the Colony by the law officers of the crown, were brought by the Attorney General before the Assembly, and, after having undergone the investigation of a Select Committee, were rejected by the House.† The Report of the Select Committee exhibits the reasons which led to this rejection. They are in substance as follows:

1. The office of Guardian and Protector of Slaves is uncalled for, while it would burden the Colony with an expense which it is unable to bear. And as it is thus impracticable to establish in these islands any system of slave guardianship, none of the enactments connected with that system can of course be carried into effect there.‡

2. To keep on plantations a record of punishments, to be periodically transmitted to England, is, from local circumstances, particularly the illiterate state of the planters, likewise wholly impracticable.§

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* Papers printed by His Majesty's command, 1827, Part II. p. 27—47.
† Ibid. Part I. p. 132. ‡ Ibid. p. 157, 158. § Ibid. p. 158.

3. With respect to the punishment of female slaves also, the Committee deem it impracticable to substitute any other mode in the place of flogging. Indeed, all intelligent slave owners hold, they say, that females generally require more frequent corporal correction than males, for with them originates a large proportion of the crimes for which males suffer. They question whether confinement would be any punishment at all to a negro slave;* nay, by being confined, females would enjoy at their ease an exemption from labour, while their husbands and children and aged parents would be the real sufferers.†

4. The Committee have no objection to abolish the *driving* whip, local circumstances rendering it less requisite in the Bahamas than in the other islands. But the use of the whip, as a punishment for crime, they gravely plead for, on the ground of its being a scriptural ordinance. And they tell the Government, that the proposed reform should have begun at home, in the army and navy, "it being idle to expect efficacy from a naked precept, at such open variance with their own example."‡

5. They decidedly object to the interval of twenty-four hours between the perpetration of an offence and its punishment. They approve the principle of delay, but cannot admit the practice on account of its inconvenience.§

6. They also decidedly object to the clause which decrees the forfeiture, to the Crown, of slaves cruelly and illegally punished. They have no objection that the suffering slave should be sold to a better master, but they cannot understand why the injured party should be made free.‖ Then follows a striking specimen of West Indian logic,

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* Ibid, p. 159. What a debased and brutalized state of society does this argument indicate! When, however, it is the object of these gentlemen to shew that a *Protector* of Slaves is unnecessary, they talk (p. 157.) of "the superior moral condition and intelligence of the Bahama slaves, in comparison with those in the sugar colonies generally." And yet they must go on flogging their women! And to these highly moral slaves confinement is no punishment!

† Are negroes then wholly destitute of natural affection? The Planters know too well the contrary. What more common or more effective expedient are they in the habit of adopting, for bringing back, to all the horrors of a cart-whipping, a runaway sea or husband, than that of placing a mother or a wife in the stocks till his return? And what influence could such an expedient have, if to these females confinement were no punishment?

‡ Ibid, p. 159. § Ibid

‖ Is no compensation then due to the maimed or mutilated slave?

which, while it proceeds as usual on false assumptions, incautiously betrays that state of ungoverned feeling, among the planters, which imperiously calls for the very restraints they deprecate. "So long," they say, "as any considerable portion of the slave population would, if free, be unable or unwilling to subsist otherwise than by rapine, theft, or other crimes,* the Committee consider all emancipations but those on the score of character, or merit of some kind, as a public injury:" and, they add, "if freedom be the reward of insolence or other provocation on the part of the slave, *sufficient to transport every choleric owner beyond the bounds of discretion*, it would, of course, be the very worst class of slaves that would be likely to become first free." †

The Committee, however, recommend, that the consolidated slave law passed in 1824,‡ should be forthwith amended. An act to that effect was accordingly passed in December, 1826, which it will be now necessary to examine. This, however, it may be premised, is a most inconvenient mode of legislation in the case of enactments which are to regulate the conduct of masters and slaves, and in which every thing should be as clear and simple as possible. An act of seventy-seven clauses was passed in 1824; and, in 1826, another act of fifty-seven clauses more is framed to alter, explain, and amend the first, thus perplexing and involving instead of smoothing and simplifying the avenues to justice.

This course is the more to be lamented, because one of the very reasons which the legislature of the Bahamas assign for rejecting the proposed record of punishments on plantations is, that "*few planters*, or at least *few of the persons in charge of plantations in the Bahamas*,

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* This assumption is proved to be untrue by that part of this very Report, which affirms the great progress made by "the negro race generally," in "their taste for the comforts of civilized life," and "the means of acquiring them;" and in "the improvement of their physical condition," with which "their advancement in morals and religion has happily kept pace." (p. 156.) What reliance can be placed on the statements of men, who, in the compass of two pages, can so stultify and falsify themselves?

† Ibid, p. 159. Are there then no laws in the Bahamas to punish delinquency, that masters must be thus allowed to wreak their uncontrolled fury on their slaves, in the very moment of exasperation? By the same criterion of merit, which the Bahama legislature would make the sole condition on which freedom should be given to the slave, ought these choleric owners themselves to be doomed to slavery as unfit to enjoy freedom.

‡ See the "Slave Colonies of Great Britain," p. 4; and the Anti-Slavery Reporter, No. 11, p. 151, for an account of this law.

are capable of keeping records of any kind;" and that they "are seldom in a situation to get *literal* assistance:" in correct English they cannot, generally speaking, read or write.* Now, what will those learned persons, to say nothing of their slaves, make of the 137 clauses which have been framed, certainly with much technical amplification and ambiguity, to regulate the ordinary duties of master and slave? It is *literally* throwing dust in the eyes of the Parliament and people of England. Yet the Assembly gravely affirm that the colony has no need of an official protector of slaves, and they actually refuse to appoint such an officer. It might have been supposed that, in proportion to the admitted extent of their own ignorance, would have been their desire of obtaining, in the shape of an officer selected by the crown, the *literal* assistance they so much need. But to proceed to this bill of amendments. †

Section 1, does not *repeal*, but merely *suspends* all the former barbarous enactments of the negro code, excepting the single consolidated act of 1824, which, however, retains in full and undiminished action no small part of those barbarities. ‡

Sect. 2, invalidates all future manumissions unless effected by will, nuncupative or written, or by deed; or which may have been executed in fraud of creditors. This is narrowing, not enlarging the right of manumission.

Sect. 3, enacts that so much of a particular section of the Act of 1824, as declares void all manumissions of slaves who are incapable of labour by sickness, age, or infirmity, should be *suspended* during the continuance of this Act.

This clause curiously illustrates the indifference to negro feeling and negro comfort, which prevails among the white legislators of the Bahamas. In 1824, they make void a certain class of manumissions by a stroke of their pen. Persons already in possession of that best earthly boon, freedom, are suddenly divested of it without any more ceremony than would be employed in altering the merest matter of form. No inquiry is instituted as to the rights affected by it, no measure of compensation (about which they can clamour so loudly in their own case,) thought of for the suffering parties; but a stern, unqualified decree of disfranchisement issues forth from those petty despots, and at once

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* Papers by Command, 1827, Part I, p. 158.

† Ibid, p. 161—180.

‡ See the Slave Colonies of Great Britain, p. 4—11.

strips a number of his Majesty's liege subjects of all the rights they had acquired by enfranchisement, and reduces them a second time to the level of brute beasts. After two years, however, this sentence, at the suggestion of Lord Bathurst, is reversed, and these disfranchised individuals are restored to such freedom as the inheritors of negro blood are permitted to enjoy in the Bahamas. But, even this freedom is to last only "during the continuance of this Act," an act which perhaps may have been already disallowed, or if not, the duration of which is actually limited by one of its clauses to the month of January, 1829. What a strange style of legislation is this! What an outrage on all the feelings of its subjects, or rather its victims! What a violation of every principle of the commonest humanity and justice!

Sect. 4, is also an amendment of a part only of a former clause; and its object is to deprive the keepers of jails or workhouses of the power of inflicting corporal punishments, on slaves committed to their custody, without the authority of the owner or manager, or of some court or magistrate. But this is scarcely an improvement, jail floggings having been generally inflicted by the jailors, only at the desire of the owners or managers, or of a magistrate or court.

Sect. 5, slaves alleged, or suspected to be runaways, may, *by a single magistrate*, be committed to jail for one year, or "otherwise disposed of by him according to law;" and at the end of the year, if not claimed, may, by the magistrate, be either discharged from custody, or "otherwise dealt with according to law." (What is it to be otherwise dealt with according to law?) The clause, however, in the Act of 1824, ordering unclaimed runaways to be sold as slaves, if not claimed within the year, is to be *suspended* "during the continuance of this Act." How very vague and uncertain, as well as cruel and unjust, are such enactments as these?

Sect. 6, is equally vague and confused, referring to parts of no less than three sections of the former act, which it suspends or modifies. It inflicts fine, banishment, and even imprisonment for life, on persons of free condition; and as much as 200 lashes on slaves, who "shall knowingly aid, abet, harbour, or conceal a runaway slave."

Sect. 7, contains such an unjust provision, that even the Acting Governor, Mr. Munnings, himself a planter, is shocked by it.* It enacts

* "I could have wished," he says, "that this clause had been left out of the

that "*any* free negro, mulatto, mustee, Indian, or other person of colour," who "shall use *any* threats of unlawful violence, or *any* scandalous or other abusive language, to *any* white person or persons," he "shall and may, on complaint, *under oath of the party menaced or insulted*, be lawfully tried for the same" by *two magistrates*, or by *one magistrate, and two white freeholders*, and, on conviction, be fined £20, or confined for non-payment, for six months.

Sect. 8, makes it a misdemeanour to employ the driving whip to compel labour, a practice, which from local circumstances, was little, if at all, in use in the Bahamas; as there, the Assembly tell us, from the smallness of the properties, the slaves on plantations are domesticated with their owners, while numbers are employed in navigation.—In point of fact, their labours are of a kind which precludes their being driven. To this necessary peculiarity in the condition of the Bahama slaves, may be attributed their rapid increase.

Sect. 9, preserves to the master or overseer the power of inflicting thirty-nine lashes on any slave, of either sex, without specifying the offence, provided the slave's former lacerations shall be healed, and provided the owner or overseer himself be present to witness the infliction. He need not, however, be present when the jailer or workhouse-keeper inflicts such punishment by his authority.

Sect. 10, provides, that henceforward women are not to be *stripped* and *flogged*, in the presence of any males, *except* the *person or persons ordering the punishment, and the person or persons inflicting the same!!*

Sect. 11 and 12, make it lawful for an owner to commute flogging for other modes of punishment, (a power he could, of course, always lawfully exercise,) under certain regulations; among others, that if pregnant women are so punished as to cause the risk of abortion, the person inflicting the punishment shall be deemed guilty of a misdemeanour.

Sect. 13—20, form a most complicated series of provisions on the subject of Slave Evidence, so complicated as to render the pretended concessions which they involve, almost a nullity.—All slaves, not natives of

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Act; but, as punishment by flogging was not insisted on, and as free persons of colour have got rid of some old obnoxious Acts, which were in force against them, I do not deem this clause an objection sufficiently strong to prevent my assenting to the Act." Papers, &c. 1827, Part I. p. 133.

Africa,* who have been five years in the colony, who have been *sufficiently* instructed in religion to understand the nature of an oath, and are certified to be so by any clergyman of the Church of England or minister of the kirk of Scotland,† shall, during the continuance of this Act, be admitted as witnesses in all civil and criminal causes.—But then follow the exceptions, that is to say, the cases in which even the slaves who may come under the above rigorous description, are debarred from giving evidence. 1. All prosecutions of free persons, by way of libel, plaint, or otherwise, in cases of penalty, or forfeiture, or otherwise, when the facts are tried, or liable to be tried, otherwise than by a jury at common law. 2. All prosecutions of free persons, by way of *ex-officio* information or otherwise, in any court of law or equity, even when parts of the case may be tried by a jury. 3. All prosecutions against the owner of the slave offered as a witness. 4. All prosecutions of white persons charged with offences punishable by death. 5. All facts which may have occurred prior to the date of the certificate of competency. 6. All cases, whether civil or criminal, involving either directly, or indirectly, or by implication, incidentally, or in any manner whatsoever, any facts touching any right or claim, or supposed right or claim of any slave, to be, or become free or in any manner exempt from servitude, or in any manner to affect the full and complete title, claim, &c. of any owner of such slave. 7. All cases of wills, or deeds, or other instruments manumitting slaves, or relating to the manumission of slaves. 8. All examinations *de bene esse*, or otherwise than *viva voce*, and in open court.

Besides these sweeping exceptions, which seem to comprise all that had previously been conceded in favour of the slave, the clergyman's certificate is not to preclude any magistrate, or jury, from examining the witness as to competency, on his *voir dire* or otherwise; or as to the degree of his religious knowledge. And, moreover, a clause (the 20th) is framed for the express purpose of tranquillizing the over-tender and too scrupulous consciences of the Bahama Planters. Lest

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* Thus shutting out at once all Christian slaves, who may have been introduced into the colony from Africa, even in infancy.

† Mr. Munnings complains that the power of giving these certificates is restricted to *clergymen*, in consequence of which no slaves can obtain them, but those living at New Providence and Turks Islands. p. 133.

any of them should be disturbed by an apprehension lest the evidence of any one or more witnesses, when not contradicted, should be legally entitled to full faith and credit, though the court and jury may have cause to question their veracity, and in order "*to remove the objections to the admission of slave evidence,*" it is therefore enacted that it shall be competent for all courts, magistrates, inquests, juries grand, special, or petty, to discredit or reject, wholly or in part, the evidence of all witnesses examined before them, although not contradicted or impugned by other evidence, if only there be any fair ground of improbability, or of bad character, or of presumption of wrong motives, on which they may conscientiously refuse credence to the evidence in question.—We have here a new chapter in the law of evidence.

Sect. 21, restrains certain classes of enfranchised persons from being admitted to prove any facts bearing, directly or indirectly, on the freedom of any alleged slave, or affecting the life of any white person, or affecting the person, liberty, or property, of their late owners.

Sect. 22—25, contain regulations respecting the manner of proceeding by subpœna, or by writ of Habeas Corpus, to obtain the evidence of slaves.

Sect. 26—31, contain regulations of a complicated and ineffective kind as to the marriages of slaves. Parts of the Act of 1824, are first *suspended.* Then slaves are permitted to intermarry, with consent of their owner; and the marriage may be performed by any licensed free white public teacher, or by a magistrate; and is to be registered. But such marriage is not to convey any rights inconsistent with the slaves' duties to his owner, or to the Government.

Sect. 32, makes void all separate sales of husbands and wives, or reputed husbands and wives, and their children under fourteen years of age. This is done, however, not by a direct enactment, but by a reference to the former Act.

Sect. 33—35. Sunday labour is not expressly forbidden, but Sunday markets are restricted to the hour of nine in the morning—a mode of proceeding which both continues the desecration of the Sabbath, and is most onerous and inconvenient to the slave.

Sect. 36. Slaves are permitted to possess all kinds of property real and personal, except arms and ammunition, and to bring and defend actions by their *prochain ami,* who must, however, be a *free* person appointed by the court.

Sect. 37—42, respect a bank of deposit for the slaves, with rules for disposing of and judicially attaching their property; but they contain some restraining clauses which go far to defeat the whole scheme.

Sect. 43, enables owners to prevent their slaves from growing, raising, or dealing in the same articles with their masters, as salt, corn, cattle, live stock of any kind for market, cotton wool, &c., but not to prevent them from growing sugar cane, or raising fruit or vegetables, or ground provisions.*

Sect. 44—51, regulate the manumission of slaves.—All fees and taxes are abolished, except 4*s.* sterling for recording the manumission. Slaves may purchase their own freedom, and that of wives and children, at such price as may be agreed between the parties interested. If they differ as to price, two magistrates may name a referee for each of the parties, who, if they disagree, may name an umpire. These are to swear that they will fairly, justly, and equitably estimate the compensation, "not merely according to their views of the probable market price of such slave, if exposed to sale as such, but with due regard also to such further remuneration as the owner may shew himself entitled to, in consequence of any loss or damage he may sustain by reason of his being deprived of the services of such slave." This novel principle of appreciation obviously goes to destroy the beneficial effect of the other regulations respecting manumission. (See the Anti-Slavery Reporter, No. 27, p. 68, &c.) But it is scarcely less destructive of it than the provision in the 51st clause, that no children under fourteen years of age shall be manumitted, under any circumstances whatsoever, without the consent of their owner; and further, that no slave shall obtain his freedom without his owner's consent, unless he shall shew that the funds for his redemption have been *honestly* acquired.—It is perfect mockery to call such laws, laws for facilitating manumission.

Sect. 52—56, are provisions of mere form.

Sect. 57, limits the duration of the Act to the 28th of January, 1829, or to the end of the then next session of Assembly.

We have gone into a great length of detail in analysing this law, because it is really one of the best, perhaps the very best, of the ameliorating acts, which have been passed in the West Indies. And yet, what

* And yet planters vehemently complain of the want of industry in the negro. Why then these prohibitions?

is it, when carefully examined, but mere unmeaning verbiage; enactments which enact nothing; apparent concessions which are drawn back by the multiplicity and largeness of the exceptions; and pretended reforms which leave every evil of slavery untouched? And let it not be forgotten that, besides all this idle and useless parade of legislation, calculated for no purpose but to blind the eyes of the people of this country, there still stands in full and stern authority the whole code of 1824, of which a detailed account will be found in "The Slave Colonies of Great Britain, or a picture of Negro Slavery, drawn by the Colonists themselves," p. 4—11.

III. Barbadoes.

In the same pamphlet, "The Slave Colonies of Great Britain," (p. 11—20.) is given, also in considerable detail, the provisions of the Consolidated Slave Law of Barbadoes, passed in March, 1825. The law itself, of which the Barbadians boasted as an effort of liberal and humane legislation, which, "in the night-fall of their existence," will endear to posterity the remembrance of those who have given life to that splendid code, was nevertheless, as Mr. Brougham well characterized it in the House of Commons, little better than a mass of the most revolting enormities. Lord Bathurst appears to have entertained a similar opinion of it. His Lordship regrets to say, that he finds in it "*none of the recommended reforms*," while it contains some provisions which oblige him to submit it to the legislature for revision.* By way of aiding them in that revision, he transmits a copy of his circular communication and of the eight Bills accompanying it. These Bills, however, were not submitted to the Barbadoes legislature by the Governor, Sir Henry Ward, who, apparently under some unaccountable feeling of alarm, withheld them, lest he should give offence to the Assembly. The Assembly, however, were evidently fully apprized of their tenor, and with that knowledge, a new consolidated slave law was passed by them in October, 1826, embracing all the reforms they thought it right to adopt. To this act the Governor has affixed his signature.

The first thing to be remarked in this new code is the omission of two clauses in that of 1825, which seemed to favour the slave.

* Papers presented by His Majesty's command, 1827, Part I. p. 197.

The Assembly probably thought that the concessions extracted from them by the alarm of the moment were too large, and that it became necessary therefore to retract them. Those clauses are the 4th, and the 64th; the first securing a right of appeal to the Governor for a writ of error in the case of capital convictions of slaves; the second providing that capital executions shall be *solemn* and by hanging *only*. These provisions, salutary as far as they went, are repealed by the present Act. The various horrors, therefore, which Mr. Dwarris so forcibly describes as attending the conviction and execution of slaves in Barbadoes, may, therefore, it is to be feared, be again in operation.

There is only one omission *in favour* of the slave. It is the 47th clause, which inflicted the punishment of death on slaves who should hear other slaves speak any words *tending* to mutiny or rebellion, without revealing them. There are also various slight modifications of particular clauses, which go to render them less revolting than they were before.

The only additions which are of much importance are the following :

1. The Governor, the Senior Member of Council, the Speaker of the Assembly, the Chief Baron of the Exchequer, and the Attorney General, are appointed a Committee of Protection for Slaves, " for the full and effectual securing to slaves the rights and privileges afforded to them by this Act," (an Act which in fact affords them scarcely any right or privilege;) and this Committee are empowered to appoint a Secretary, cognizant of law, with a salary of 400*l.* currency a-year, or 260*l.* sterling, who is to be the legal adviser and advocate of slaves, and to assist with his legal advice, and without fee or reward, all slaves accused of any heinous offences or felonies, or claiming to be free, or complaining of cruelty or injustice; and who is also to prosecute for the maim or murder of a slave. And this " Acting Protector of Slaves," whose functions are limited to these points, is to report from time to time his proceedings to the Committee of Protection.

This provision cannot be considered as in any measure a substitute for the regulations of the Trinidad Order in Council respecting a Protector. It is little more than a substitution, in a more convenient form, for the third clause of the Act of 1825, which allowed to slaves the aid of a solicitor at the public expense. But then no means are provided for enforcing the due performance of the duties of this officer; nor is any penalty attached to his neglect of them. We may therefore assume how inadequately they will be performed, for a population of 80,000

slaves, by a legal practitioner, probably in high practice, whose only remuneration amounts to 400*l.* currency a-year.

2. It is enacted, that the evidence of slaves shall be admitted in all cases of civil action for trespass or assault; and in all cases of misdemeanour, felony, murder, or any other offence, except forgery; *provided* they shall produce a certificate of baptism from the resident clergyman of the parish, and also a clergyman's certificate of competent religious knowledge; and provided too, in every case, the owner of the slaves, or any other persons, may be summoned and examined as to their character; and provided further, that *no white or free person shall be convicted on the testimony of slaves unsupported by other evidence.* The testimony of slaves may, however, be taken against any person of free condition, who shall be proved to have associated with them in cock-fighting, gambling, getting drunk, or in any crime.

3. Owners of diseased slaves, suffering them to go at large, *to infest the highways*, are to forfeit £10, for each offence.

4. Owners depriving slaves of personal property, *honestly acquired*, shall forfeit double the value; but they may (not impound but) *destroy* any hogs, sheep, goats, or poultry belonging to slaves trespassing on the plantations.

5. By the former law, all runaways, not claimed, were to be sold for slaves at the end of a year. By this, if a person committed as a runaway claims to be free, the marshal is to advertise for proof, and, if at the end of three months, none is produced, the Governor and Council shall examine the matter, and unless it is proved that the person claiming to be free, is *bona fide* a slave, he shall be set at liberty as free; but if not a native of the Island he may be forthwith deported. This is doubtless an improvement.

6. A tread-mill is to be erected, and to be used in certain cases as a commutation for other modes of punishment.

7. In cases of cruelty, to which only £25 currency had been attached as a penalty, it is now made not less than £25 nor more than £100 currency.

8. The only remaining changes consist in a few new penal inflictions on the slave. He is to be flogged, if he conceals a slave guilty of any offence, or sends him off the island; or if he tempts a slave to leave his master's service. It is also provided, that if a slave, possessed of personal property, shall be convicted of a theft, his property may be taken to defray the expenses of prosecution, and to indemnify the party injured.

Besides this principal Act, there is a supplemental one passed on the same day, entitled "an Act for encouraging the baptisms and marriages of slaves, and for the due observance of the Lord's Day," and which enacts, though without any sanctions or penalties, that "owners" (borrowing the ineffective language of the legislature of Jamaica for 130 successive years,) "shall, as much as in them lies, endeavour to instruct their slaves in the principles of the Christian religion," and shall cause to be baptized, by a clergyman of the established church, all slaves hereafter to be born, and all, already born, "who shall be made sensible of the duties of the Christian faith;" and *permitting* "any clergyman of the established church" to solemnize the marriage of any slaves, "being the property of the same owner," "producing the consent, in writing, of the owner,"—it being provided that such marriage shall confer on slaves no rights inconsistent with the rights of their owners. Of such baptisms and marriages so solemnized, a register is to be kept.—By the same Act, all Sunday markets are declared unlawful, on pain of forfeiture of the goods exposed to sale, and of a fine of £5 to free persons, and of a whipping to slaves. Every recognition of the sacredness of the Sabbath is to be hailed with satisfaction; and yet, while no other day is appointed, or given to the slave, for marketing, the measure obviously becomes one of severity and oppression to the slave, who is to be flogged if he comes to market on a Sunday, and who has, nevertheless, no other time allowed him for that purpose.*—Inducing or compelling Sunday labour is also forbidden, with certain exceptions.

A Bill for abolishing the tax on manumission, and for giving to persons who have been heretofore manumitted without paying that tax, the right, of which they had been debarred by an Act passed in 1817, of giving testimony in Courts of Justice, has not passed into a law, the Governor having refused his sanction on account of some informality. †

With these various modifications the Slave law of Barbadoes remains

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* Sir Henry Warde seems almost to think (p. 204.) that it is some reparation for this act of injustice that Dr. Maycock had made a speech at a public meeting, in which he expressed a hope that time would be given to the slave, in lieu of Sunday, by the considerate humanity of the masters. And yet, in expressing that hope, Dr. Maycock admits, that had it been required to give other time in lieu of Sunday, as a condition of abolishing the Sunday market, it would have still continued to disgrace the island.

† Papers presented by Command, 1827. Part I, p. 204.

in nearly the same state in which it was left by the Act of 1825; and if any one wishes to see what are the severities of that Act, he has only to turn to the publication already referred to, "The Slave Colonies of Great Britain," p. 11 to 19.

The Assembly have attempted to vindicate their conduct in having thus disappointed the wishes of his Majesty's Government, and of the nation.*

1. "The safety of the inhabitants, the interest of their property, and the welfare of the slaves themselves," have prevented their yielding "to Earl Bathurst's recommendations to prohibit the punishment of women by flogging, and the use of the whip in the field. To forbid, by legislative enactment, the flogging of female slaves, would, in the judgment of the Assembly, be productive of the most injurious consequences;" especially in the case of owners possessed of only one or two female slaves, domestics.

2. "Considerations no less powerful prevailed respecting the disuse of the whip in the field." The power of summary punishment by flogging, "the Assembly considers to be inseparable from a state of slavery."

3. The recording of punishment by whipping, limited to a given number of stripes, they think unadvisable; because, in the hands of a relentless executioner, a small number of stripes might be so inflicted as to amount to cruelty; and the ends of humanity are best consulted by leaving it to the justices to decide whether a punishment, whatever be its mode or quantity, be cruel.†

4. "Compulsory manumission is such a direct invasion of the right of property," that the Assembly felt they could not, without "violating the sacred trust reposed in them, contemplate a measure absolutely destructive of that right, by investing slaves with the power, at their own will, and against the will of their owners, of purchasing their freedom."‡

5. The Assembly, though they have not established Savings' Banks, yet have, "in the spirit of true sincerity, provided for slaves the full security and enjoyment of their property."‖

6. They excuse their not taking any new measures to prevent the

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* Papers presented by Command, p. 271—274.

† Surely the tender mercies of these legislators are cruel.

‡ See in reply to the whole of this argument, the Reporter, No. 27, *passim*.

‖ There is no such provision in th t. The Council framed a clause to that effect, but it was rejected by the As. oly.

separation of families by judicial sale, by alleging that a law to that effect was passed in 1688. The law, however, has been absolutely a dead letter, witness, among many facts of recent occurrence, the transaction inserted in the margin, and taken from the Parliamentary papers of 1826, No. 353. §

§ On the 7th of August, 1823, nineteen individuals became escheats of the Crown; and in eleven days from that time, namely, on the 18th of August, 1823, they were all sold by public auction, with the exception of two who effected their escape, and the net proceeds of their sale were paid into the Treasury of Great Britain. The transaction, bad enough in itself, is in no small degree aggravated, when we consider all the circumstances of it, and especially the cruel separation of families which was sanctioned by the agents of the Crown. The following are the particulars of this opprobrious sale, as they are given under the official signature of "Lionel Parke, Receiver General of his Majesty's Casual Revenue."

1. Quow, aged 55, father of Cæsar, sold to Thomas Louis, for £15.
2. Cæsar, aged 27, son of Quow, to Samuel Henery, for £90.
3. Orange, aged 67, mother of October, to B. T. Young, for £5.
4. October, aged 44, son of Orange, to C. Crouch, for £46.
5. Abel, aged 49, husband of Lubbah, and father of Thomas, Kitty, and Becky, sold to Henry Tudor, for £32. 10*s*.
6. Lubbah, aged 40, wife of Abel, and mother of his children, sold also to Henry Tudor, for £38. She appears to have been put up separately, and Mr. Tudor appears to have bid high in order to obtain her.
7. Thomas, aged 16, son of Abel and Lubbah, sold to H. Mozely, for £51.
8. Kitty, aged 13, daughter of Abel and Lubbah, to Joshua Levi, for £46. 10*s*.
9. Becky, aged 6, daughter of Abel and Lubbah, to Mr. Alsup, for £28.

Again, Deborah, Sukey, Betsey, Polly, and Thomas, are brothers and sisters. Sukey has one child, Betsey three, and Polly one. They are thus disposed of,

10. Deborah, aged 28, is sold to W. Straker, for £15.
11. Sukey, aged 26, mother of James William,
12. James William, aged 1½, son of Sukey,

} are sold, in one lot, to Thos. Howell, for £51.

13. Betsey, aged 34, mother of Caroline, Grace, and Medorah, ...
14. Caroline, aged 4, daughter of Betsey, . .
15. Grace, aged 2½, daughter of Betsey, . .

} are sold, in one lot, to James Lealted, for £50.

16. Medorah, aged 9, daughter of Betsey, is sold to William Austin, for £51. 10*s*.
17. Thomas, aged 15, brother of Deborah, Sukey, &c. is sold to John Straker, for £52. 10*s*.

The fate of the remaining two is the only part of the detail which is at all satisfactory.

18. Polly, aged 39, mother of Richard, . . .
19. Richard, aged 11, son of Polly, . . .

} absconded, and cannot be found.

The price at which these persons were sold is stated in Barbadoes currency, and amounts to £602, or about £401, sterling. How much of this money, after

7. They also claim credit for the miserable and inefficient substitution of their "acting protector," for the system of protection proposed by Lord Bathurst.

8. And they boast of their provisions respecting the testimony of slaves (see above) as going beyond those of his Lordship.

The Speaker of the Assembly concludes his labours with lauding "the honest and conscientious feeling" of its members, which had led them "to go the utmost lengths that prudence would allow, in giving effect to the wishes of his Majesty's Ministers, to whom they now look with confidence, that the time they have so anxiously passed in maturing the measure, will, through their advice, receive the high reward which his Majesty's most gracious confirmation of the Bill would confer." p. 274.

And yet the very next proceeding of this Assembly is to reject a Bill sent to them from the Council for abolishing the whip in the field, and the flogging of females; and for conferring on slaves a right of property.

IV. Berbice.

A new slave code, on the general model of the order in council for Trinidad, though departing from it in some respects, has been in operation in Berbice since the 1st of November, 1826.*

Besides the defects which are common to this law and that of Trinidad, as they are specified above, p. 79, there are in the former the following material variations from the latter.

1. The Trinidad Order requires that the Protector should be empowered to act for and defend the slave in all suits, *criminal* as well as *civil*. The Berbice Order confines his interference to *civil* cases, and gives to the court of criminal justice the power of appointing and paying an advocate, for the slave, in each special case of criminal charge.

2. In Berbice, even on Sunday, the slaves cannot leave the estates

passing through the hands of Escheators, Receivers, Marshals, Counsel, Attorneys, &c. came into the Royal Treasury of Great Britain, we shouldbe curious to know. It is the price of blood, and we trust will not rest there without inquisition. What is it but a Slave Trade, more disgraceful than even that of Africa, by which the king of Great Britain has been made to enrich himself by the sale into perpetual slavery of seventeen of his liege subjects, whose dearest ties have been burst asunder by the process?

* See Papers presented by Command, 1827. Part ii. p. 189—229.

without leave, and are made subject in that respect to "such regulations as are established by law." But what are those regulations, and why do they not appear in this new code which ought to comprehend all the laws to guide the conduct of master and slave? It may be that regulations may exist which, not being specified, but having the force of law, may go far to defeat the provisions of the code. It is obvious that the slaves on an estate may, by a refusal of leave to quit the estate on Sunday, be shut out from all religious worship and instruction. This case at least should be excepted from restraint, as at the Cape of Good Hope. (See below, p. 28.)

3. Masters are permitted to occupy the morning hours of the Sunday, until eight o'clock, in distributing their allowances to the slaves. The three best hours of the day are thus unjustly taken from the slave and given to his master, while the day itself is desecrated by this unnecessary secular employment.

4. The Sunday markets (which ought clearly not to exist at all in any colony) are prolonged in Berbice to eleven o'clock, being an hour later than in Trinidad.

5. The clause forbidding the use of the driving-whip, in the field, is greatly wanting in precision as compared with the Trinidad Order. Its framers seem anxious to hurry over this tender ground.

6. The interval between the commission of a crime and its punishment is shortened in Berbice; and six slaves are admitted as witnesses of the infliction, instead of the presence of a free person being absolutely required as in Trinidad.

7. With respect to the *record* of punishments, the Berbice Order does not confine it to plantations, but extends it to all persons having gangs of more than six slaves. There ought however to be no limitation. Either the magistrate alone should punish; or the master should be obliged to record and report the punishments he inflicts.

8. That most important clause of the Trinidad Order, the 21st, obliging the owner to prove that fresh traces of laceration in his slave have not been unlawfully inflicted by him is entirely omitted. It forms a part of the Cape of Good Hope Order.

9. Marriages are confined in Berbice to slaves belonging to the same owner. In Trinidad there is no such limitation, nor at the Cape.

10. The time of *field* work is confined between the hours of six in the

morning, and six in the evening, with an interval of two hours. In Trinidad the law fixes no limit. But neither in Trinidad nor in Berbice is any limit placed on any other than *field* work; on such, for example, as carrying fodder for the cattle, after *field* labour is over, which is one of the most galling aggravations of the harsh lot of the field slave; or on the wearing and exhausting night labours of crop. It is a mockery to frame a limitation of this nature in terms so ambiguous as to open the door to the worst oppressions, without any direct breach of the law.

11. A regulation is introduced to secure the non-separation of families by judicial sale, which is of great importance and ought to be universally adopted; namely the keeping, on each estate, of an accurate and complete record of married persons or reputedly married persons and their children, a copy of it to be transmitted to the office of the Protector, and there registered with a view to facilitate investigation.

12. A most unwarrantable power is given to owners of plantations to *destroy*, in case of their non-removal from the estate on the owner's requisition, the live stock of slaves; just as if it were too much for the owner to cause them to be sold, for the benefit of the slave, rather than wantonly destroyed.

13. In the case of what is called *compulsory manumission*, the appraisers, appointed to value the slave, are absurdly made to swear not only that they will make a fair and impartial appraisement of the slave, with a reference to his strength, acquirements, &c., but with a reference also "to the absolute value of such slave to his owner, and the loss which such owner would sustain by the loss of the services of such slave;" just as if the market price were not the true and only criterion of a slave's value. This, however, is a mere trifle compared with the iniquity of a subsequent clause, which provides that *no slave shall be allowed to purchase his freedom without the consent of his owner, unless he can prove that the money for the purpose has been honestly acquired, either by his own earnings, or by bequest or succession; and that he has conducted himself honestly and faithfully for the five preceding years; and that he shall not have been convicted of any crime, or punished by any court or magistrate, for seven years preceding.*—It is quite impossible that the Government and Parliament of England can tolerate such a monstrous enactment,

which goes to nullify their own recorded purposes, and which would put it out of the power of an angel, in a state of slavery, to avoid incurring the fatal disqualification of the Berbice code. Suppose a man had been treasuring up his earnings for many years, adding to it any little gifts he might have received, the *gifts* would vitiate the whole mass and doom him to perpetual slavery. He must bring nothing to aid the purchase which has not been obtained by *bequest* or *succession*, or by his own *honest* industry. And what is the legal definition of "honest industry," or of "honest and faithful conduct," any failure in which is to be followed by such tremendous consequences? The man is to be retained in slavery, not because he has committed some specific criminal or fraudulent acts, which disqualify him for the possession of freedom, but because he cannot *sufficiently prove* that his conduct has been *honest* and *faithful*, (that he has never told a lie, or broke and sucked one of his master's sugar canes!) during five years, and that his accumulated earnings, of perhaps 20 or 30 years, have not been tainted with fraud, or contaminated by a gift!

The new code was read to the slaves on the several estates in Berbice, and explained to them by the magistrates of districts, before it came into operation. The colony, the Governor assures us, was perfectly tranquil, "and the new code appeared, every where, to have produced the most beneficial effects." p. 222. The testimony of the different civil magistrates is, generally speaking, to the same effect.

The Protector has fixed the wages to be paid to slaves, labouring on Sundays for the preservation of the crops, at a guilder, or about 17½d, sterling, for a day, estimated at ten hours of labour, and in the same proportion for a shorter or longer period.

In three weeks from the first day of the operation of this code, which was on the 1st of November, 1826, 500 guilders had already been deposited in the Saving's bank by a few slaves.

V. Bermuda.

There is no return whatever from this Colony.

VI. Cape of Good Hope.

An Ordinance resembling very closely that of Trinidad, was promulgated at the Cape of Good Hope, in June, 1826. It will be only necessary to notice its deviations from the Trinidad model.

1. Sunday markets are declared to be absolutely abolished, prohibited and unlawful; and yet, strange to say, the sale of vegetables, meat, and other articles of provision, is permitted on that day except during Divine service. This is building up with one hand and pulling down with another.—A part of the enactment, and one which it would be well were it imitated in every colony is, "that no slave shall be deprived by their masters of the right of attending at church, or other place of religious worship, on Sundays, under a penalty of 20s. for each offence, unless justifiable cause can be shown."—But here again, no time in lieu of Sunday is given to the slave.

2. The time of labour, not of *field* labour merely, as in the West Indies, but of labour generally, is fixed at not more than ten hours, from the 1st of April to the 30th of September, nor more than twelve from the 1st of October to the 31st of March, except during seasons of extraordinary pressure, when a fair remuneration must be made the slave for extra labour.

3. The flogging of adult females may still be practised *privately.*

4. Corporal punishment must be inflicted, except in some special cases, by the hand of the owner, employer, or overseer himself.

5. In Trinidad sixteen years of age is the limit under which children are not to be sold separate from their parents. But at the Cape the limit is only ten years, and even under that age they may be separated by sale, if it can be *shewn that it is for the wellbeing of the children to be so sold.*

6. Slave owners are required, but not under any penalty, not only to have their slave children baptized but to send them to school.

7. The property of slaves, dying intestate, is to go to a fund for redeeming female slave children by fair appraisement.

8. No slave is to be rejected as a witness, by reason of slavery, if sufficiently instructed to understand the nature of an oath, except only in civil suits in which his owner is concerned.—This is by far the most liberal provision yet made in any slave colony on this subject.

VII. Demerara.

Such copious details respecting the Demerara Slave Code may be found in "The Slave Colonies of Great Britain," p. 21 to 33; in the 11th Number of the Anti-Slavery Reporter, p. 145 to 151, and in the 27th

Number of the same work, that little need now be said upon it. The papers recently laid before Parliament contain little more than prolonged discussions of the Court of Policy on the same points of objection, particularly that of manumission, which are treated of in the above-mentioned publications, and in the last of them at considerable length. In those discussions Mr. President Wray, well known for the part he bore in the trial of the Missionary Smith, takes a prominent but not a very useful share. Professing, for example, to be a friend to the principle of manumission as proposed by the Government, he contrives, with great adroitness, to propose modifications of it, which, if adopted, would effectually destroy its efficacy.* With him, indeed, appear to have originated those monstrous provisions respecting manumission adopted into the Berbice Code, on which we have already remarked, and which make the manumission clause in that Code almost a nullity. They are, in fact, little more than a transcript from his speeches, which, it must be acknowledged, display much ingenuity in embarrassing a plain question, and in frustrating the very principle he professes to advocate.

The Court of Policy persist in refusing to pay the slaves for their Sunday labour in potting sugar, and drying cotton and coffee; or to permit them to hold property in land;† and they re-assert their opinion that the principle of manumission against the will of the master is a direct violation of the sacred right of property.‡ But this point can require no farther discussion, after what it has already received: it is now in issue before his Majesty's Government, the Parliament, and the country.

VIII. Dominica.

The usual circular communications were sent to the Governor of Dominica by Earl Bathurst, but were not brought before the Assembly until the 13th of February, 1827. The eight Bills were then proposed, but were all rejected. The Assembly expressed an intention to bring in a law of their own for further meliorating the condition of the slaves, but it was postponed, on the pretence of waiting till they knew whether

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* Papers, &c. of 1827, Part ii. p. 171 and 183.

† Ibid. p. 173, 174.

‡ Ibid. p. 186.

the Acts they had already passed would be confirmed by his Majesty. "After all," says the Governor, General Nicolay, "I must confess that, although several of the amendments recommended might very likely be acceded to, I much doubt whether the Assembly will, *in any shape*, effectually embody in their laws, a provision for the appointment of a Protector and Guardian of slaves; *a measure of primary importance, and on which many of the other suggested improvements depend.*"*

The Assembly have not been left long in doubt as to the fate of their former Bills, for in a despatch which bears date the 3rd of April, 1827, Lord Bathurst informs the Governor that "*His Majesty is graciously pleased to acknowledge with commendation the disposition which the legislature of Dominica have manifested in many of the provisions of these acts to improve the condition of the slave population; and considering that they are in general framed in such a manner as to promote the well-being of that class of society, his Majesty has, with the advice of his Privy Council, been pleased to confirm them.*" "His Majesty's Government will, however, anxiously expect a revision of these Acts, with a view to the remedy of the various defects and omissions which I have pointed out."†

The Acts spoken of, are an Act of November, 1825, for abolishing all fees and taxes on manumission, to which, of course, no objection could be made; and "an Act for the further encouragement, protection, and better government of slaves, and for the general amelioration of their condition," passed in January, 1826. It is only on this last Act that it will be necessary to make any observations.

Lord Bathurst himself states the following long list of defects in this very Act which, with a strong expression of commendation, he had advised his Majesty to confirm.

1. It is silent on the important subject of Marriage.‡

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* Papers, &c. 1827, Part ii. p. 5. The *importance* of the measure sufficiently accounts for the universal and vehement opposition it meets with in the colonies.

† Ibid. p. 8.

‡ And this is the more remarkable, because in the preceding Acts of Dominica, annulled by this Act, provisions for the marriage of slaves, and for punishing the violation of their marriage bed, used to hold a conspicuous place, although, as might be expected, they were uniformly a dead letter.

2. It is silent on the important subject of a Protector of Slaves.

3. Sunday Markets are there contemplated as permanent.

4. Compulsory labour, on the Sunday, seems to be allowed.

5. The use of the whip in the field, is not only not prohibited, but indirectly sanctioned.

6. The owner, &c. may still arbitrarily inflict thirty-nine lashes on any slave; and ten of these may be inflicted without any of the delay required in the case of a greater number.

7. The presence of a free witness at punishments is not required.

8. The flogging of females, instead of being prohibited, is expressly allowed.

9. No limit is fixed to the severity of any punishment, except that of whipping.

10. No record of punishment is required to be kept.

11. A slave's exhibiting recent traces of illegal punishment is not made to raise any presumption of guilt against the owner or manager.

12. No penalty is attached to a slave, who inflicts on another slave, an illegal punishment.

13. However repeatedly persons may inflict illegal punishments, they are not liable to any forfeiture of their slaves, nor to any incapacity of holding them, on account of such conduct.

14. Even in cases of atrocious cruelty and mutilation, where a jury may order the slave to be taken from his master, he is not to be made free, but sold, and the offender is to receive his price.*

15. A slave is expressly authorized to punish his fellow slaves by whipping.

16. A slave may be condemned to work in chains by a *single* magistrate, if convicted before him, as he may be on the evidence of a fellow slave, *of habitual bad conduct.*

17. The rules for the non-separation of the same family, "are destitute of all sanctions for securing the observance of them."† The separation of husbands and wives, and of children from their father, and even from their mother after twelve years of age, is not forbidden.

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* This also is the course pursued in almost all the other Colonies.

† The same may be predicated of ninety-nine out of one hundred, of all the meliorating laws, so called, enacted in the Slave Colonies. They are utterly destitute, as Mr. Burke well observed, of all executory principle.

18. The taking property from slaves is not made penal, unless it is taken *forcibly;* and the only property which it is penal even thus to take away, is such only as the slave may possess both *by law and custom;* but there being no positive law on the subject, of course no penalty can ever be enforced.

19. No provision is made for securing or recovering debts or bequests owing to slaves; nor, in short, is any remedy provided for any civil wrongs they may sustain either from their owners or others.

20. No provision is made for the manumission of slaves without the owner's consent, or in cases where the property in them is settled, tied up, or litigated.

21. As to the evidence of slaves, no registry is ordered to be kept of witnesses declared to be competent. The slave is not permitted to give evidence for or against his owner in any *criminal* case. The evidence of a *single* slave, even if supported by *free* evidence, is not received; the confirmation of it must come from a fellow slave.

22. Baptism is made indispensable to giving evidence; whereas, an unbaptized slave, understanding the nature of an oath, appears to be an unobjectionable witness.

23. The rejection of slaves' evidence, if not offered within twelve months after the offence, is a rule which may be productive of extreme injustice.

24. The rules as to food, clothing, &c. are not expressed in sufficiently precise and definite terms.

25. The Act appears to authorize the employing slaves fourteen hours and a half every day in crop, and eleven hours and a half daily at all other times; and this is in addition to many indispensable minor and domestic offices; so that it is difficult to understand how such exertion can be compatible with the health of the slaves.*

26. The Act confounds crimes of very different degrees of malignity, —burglary, for instance, with breaking into *any* house, and robbing therefrom.

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* Lord Bathurst's statement of the case is below the truth. The prescribed hours of field labour in the Dominica and Jamaica Acts, are from five in the morning to seven in the evening, all the year round, with an interval of half an hour for breakfast, and two hours at noon. Besides this, there is the collecting of grass for cattle when the field work is over. After which, their own minor and domestic occupations are to be attended to. And during crop, half the night must be added to this enormous sum and continuity of labour. Well may the negro race decrease!

27. The *attempt* to commit a crime is often punished, in this Act, with the same severity as if the crime had been committed.

28. The amount and nature of punishment is generally not fixed, but left to the discretion of the Court.

29. Some terms are used to describe capital crimes which have no fixed meaning, as "mutiny," "mutinous," "ringleaders," &c.

30. Whenever a slave is executed, an indemnity is provided for the owner by the public; a regulation, in many cases, unjust, in many more inexpedient.*

31. The Act denounces heavy punishments, in language most obscure and indefinite, on *the use of certain words.* But banishment, unlimited fine and imprisonment, at the discretion of the Court, do not appear appropriate punishments for any words not treasonable or seditious.

Now, these thirty-one distinct and heavy heads of charge are brought against this Act by Lord Bathurst himself.† No one who reads them can fail to wonder at the commendation bestowed upon it by his Lordship, and will look in vain for those provisions which entitled it to His Majesty's approbation, as manifesting "the disposition of the legislature" to "improve the condition of the slave population," and as being so framed "as to promote the well-being of that class of society." In truth, the Act contains, in the whole, only forty-one clauses, to almost every one of which, that does not respect mere matter of form, his Lordship has preferred the most vital and fundamental objections. And yet he confirms the Act with marks of the royal favour. It will certainly require some explanation to satisfy any common understanding that the name of His Majesty has not been unadvisedly employed, in this instance. And to refer again to the statement in his Lordship's Circular, there surely would have been no impracticability, nor even any difficulty, to have framed in Downing-street an Act which should have less flagrantly violated every principle of justice than this latest edition of the consolidated slave law of Dominica, which His Majesty's name has been put forward to confirm, and to put in operation.

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* This most unjust principle of colonial law is to be found in all the colonial slave codes; but it appears to have hitherto escaped the vigilance of the colonial department.

† Papers, &c. 1827, Part ii. p. 6—8.

It is to be apprehended that the Assembly of Dominica have completely imposed on Lord Bathurst by the plausibility of their pretensions. They have long signalized themselves by a sort of legislative legerdemain. In 1788, they outdid all the other assemblies in their pretended measures of reform. But in 1804, sixteen years after, when Lord Camden required General Provost, then Governor of Dominica, to inform him what had been done in consequence of the meliorating law of 1788, the honest soldier bluntly answered that it had not at all been carried into effect. Nay, the Act itself, he said, "appears to have been considered, from the day it was passed until this hour, as a *political* measure to avert the interference of the mother country in the management of slaves." (House of Commons papers of 1805, No. 39, pages 34 and 36.)

But though the Act of 1788 was, to all intents and purposes, a dead letter, it was thought unsafe to retain it. It was accordingly repealed, with all its fair sounding provisions, by a new slave Act passed in 1821, into which a summary, and most unobtrusive clause was introduced, (the 35th,) repealing the whole without a single word of preamble or remark, of reservation or exception. And yet, when the House of Commons, in 1825, called upon the Dominica authorities to state what were the laws of that island by which "the marriage of slaves is authorized and sanctioned, and their connubial rights recognized and secured," they had the effrontery to produce the repealed law of 1788 on the subject, confiding in the prevailing ignorance on this side of the Atlantic;—thus taking credit to themselves for provisions, which, while they existed, were a dead letter, and which they themselves had deliberately annulled five years before.* This, however, is only one of the many attempts which are daily made to blind the eyes of the parliament and people of England with respect to colonial matters.

IX. Grenada.

In the Anti-Slavery Reporter, No. 11. p. 155 to 162, will be found a full account of the defective, or more properly speaking, the opprobrious nature of the new slave law of Grenada, passed in May, 1825, and also of the strange arguments by which the acting Governor, Mr.

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* See Papers ordered to be printed by the House of Commons, 9th May, 1826, No. 353; and Anti-Slavery Reporter, No. 19, p. 266, 267.

Paterson, endeavoured to vindicate its provisions. Of this Act, however, as of that of Dominica, already referred to, Lord Bathurst informs the Governor, that "the many beneficial provisions have entitled it to His Majesty's approbation." He hoped, doubtless, that this flattering commendation would dispose them to receive with more deference and courtesy the eight Bills he had sent them. But the gentlemen of Grenada seem quite as inaccessible to the voice of flattery, as they are to the claims of justice and humanity, in what respects the law of slavery. In the month of September, 1826, the eight Bills were submitted to the Assembly, and leave being asked to bring them in, they were, one and all, rejected by considerable majorities.

The praise of His Majesty's Government is too easily obtainable, if it may be earned by such miserably ineffective and evasive provisions, as form the latest edition of the Slave Code of Grenada. To lavish praise on such a performance, is to confound the distinctions of right and wrong, of justice and injustice. And it is a grievous disappointment of the just expectations of Parliament and the public, when colonial legislatures receive gracious acknowledgments from His Majesty, while pursuing a conduct which is directly opposed to the reiterated recommendations of the Crown itself, to the recorded resolutions of Parliament, and to the universal prayer of the British nation.

X. Honduras.

There is no report from this Colony.

XI. Jamaica.

The Assembly of Jamaica rejected, without any reserve, the whole of the eight Bills transmitted to them by Lord Bathurst. They profess, however, to have adopted into a new consolidated slave law* all that was essential in these bills in the way of reform. It will now be seen how that professed purpose has been carried into effect.

1. No Protector of slaves has been appointed, but the Justices and Vestry of each parish, (in other words, the owners and managers against whom it is the object of the office to protect the slaves) are, in the terms of the Act of 1816, appointed a council of protection. (Clause 34.) This is like constituting the wolf the guardian of the fold.

* Papers, &c. for 1827, Part i. p. 69—102.

2. Slave evidence is admitted in certain *criminal* cases, *provided* the slave produce a certificate of baptism, and the magistrate or court is satisfied of his knowledge of an oath, and of his competency and credibility. But no free person shall be convicted on slave testimony, unless two slaves, examined apart, testify to the same circumstances; and unless the complaint be made within twelve months of the commission of the crime; and in no case of conviction, on slave testimony, for cruelty, shall the Court be at liberty to declare any slave free. (Clauses 130—135.)

3. No right is given to slaves to purchase their freedom, except with the owner's consent; but when the owner is consenting, facilities are afforded for effecting the manumission, notwithstanding incumbrances or disputed claims. (Clauses 67—76.)

4. No legal validity or effect is given to the marriage of slaves; only *clergymen* are *permitted* (but without any fee) to celebrate the marriage of slaves *who have been baptized, and who present a written permission from their owner*, provided the clergyman shall be satisfied, on examination, that they have an adequate knowledge of the obligations of the marriage contract; (Clause 4;) but no record of such marriages is ordered.

5. Sunday markets are to cease at eleven o'clock. Slaves are protected from being levied upon on Saturday, but that day is not given to them. Slaves are not to be hired on Sunday without the owner's consent. Sugar mills, as by the old law, are not to work between seven o'clock on Saturday night and five on Monday morning. (Clauses 6—10.)

6. No right of property is conferred on the slave, although it is declared, (Clause 16) that it is expedient to do so; (the declaration of the expediency of a law to that effect being substituted for the law itself.) The only *enactment* on the subject is, that, if any one deprives a slave of property *lawfully possessed by him*, (and how can any property be lawfully possessed by him to whom the law gives no right of property?) he shall forfeit £10, over and above the value of the property taken, (thus commuting an act of robbery into a mere civil trespass, which no means are afforded the slave of obtaining a remedy for, as he cannot sue for the penalty.) An executor *may* pay to a slave a legacy left to him, but the slave is expressly debarred from any action at law or equity for the same. (Clause 17.) Indeed no means

of civil suit are allowed him in any case. What then becomes of his alleged right of property?—No Savings' Banks are instituted.

7. That when families are taken together in execution, they shall be sold together, is no new law, but the old law of the island. (Clause 5.) It is unnecessary to shew that this is no guarantee whatever against the separation of families by judicial sale.

8. Neither the driving whip, nor the flogging of females, is abolished; nor is any record of punishments required. *Workhouse* punishments, unauthorized by a magistrate, are limited to ten days' confinement, and twenty lashes. Every driver may still inflict ten lashes, and every owner or overseer thirty-nine lashes at his discretion, on any slave, of any sex or age, without specification of offence, or legal responsibility of any kind. Branding a slave is now made punishable. (Clauses 34—38.)

It is obvious from this statement that not one of Lord Bathurst's propositions has been adopted by the Jamaica legislature. In fact, on comparing this new Act with the Act of 1816, it will be found, that with the exception of the few changes already noted, there has been no substantial improvement of the legal condition of the slave, nor any substantial alleviation of the penal rigours of his state. The new Act consists of 139 clauses, 28 of which are occupied with the points which have been already adverted to, and upwards of 90 are either repetitions of the clauses of former Acts, with such slight alterations, as are chiefly verbal, or have respect merely to matters of form or legal process. Of the remaining clauses, four consist of improved regulations for the arraignment and trial of slaves; two respect the food and clothing of the slaves, and are merely revived clauses of former Acts that had been dropped because of their inefficiency; five are framed for the more effectual recovery and punishment of runaways; two are against the unlawful assembling and gambling of slaves; two provide for the better disposal of convicts condemned to labour; and one authorizes the parochial magistracy to employ either a barrister or attorney to attend the trial of slaves for capital offences, with a view to their defence.

In one of the clauses regulating the trial of slaves, (113) it is provided that the Governor's warrant shall be required for the execution of all capital sentences on slaves, except in the very case where such an interposition is most imperiously called for, namely, in cases of rebellion

or rebellious conspiracy, in which the warrant of the Justices is made sufficient, without any reference to the Governor.

One point still remains. The old and cruel law is now renewed (85) which enacts that "any slaves *found guilty of preaching or teaching as Anabaptists or* OTHERWISE, without a permission from their owner and the Quarter-Sessions," shall be punished *at the discretion of any three magistrates, by whipping or hard labour in the workhouse.** To this disgraceful clause two new ones are now added. The 86th enacts, that "whereas the assembling of slaves and other persons after dark at places of meeting belonging to dissenters from the established religion, and other persons professing to be teachers of religion, has been found extremely dangerous; and great facilities are thereby given to the formation of plots and conspiracies;† and the health of slaves and other persons has been injured in travelling to and from such places at late hours in the night,"‡ "all such meetings between sunset and sunrise shall be held and deemed unlawful."§ The penalty on the *sectarian* minister, acting contrary to this Act, is from £20 to £50, or a month's confinement in gaol. This, however, is not to prevent any *licensed* minister from performing divine worship at any time before eight in the evening at any *licensed* place, or to interfere with the celebration of the rites of the Jewish and Catholic religions.‖

The 87th clause is a still more outrageous infringement of the rights of conscience, and the principles of toleration. It is to this effect, "And whereas, under pretence of offerings and contributions, large

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* What is this but bloody persecution? A negro is not to teach his fellow to fear God, or to turn from his sins to his Saviour, but at the risk of having his flesh torn by the cart-whip, or being subjected to hard labour in chains, *at the discretion* of the magistrates. Such is the benign spirit of the legislators of Jamaica towards a population, whom they have kept, for ages, in the darkness of heathenism!

† Nothing can be more untrue than the whole of the above preamble. It has not even a shred of evidence on which to rest.

‡ The health which suffers nothing from toiling in the field till night-fall, and then collecting and carrying fodder, and besides this, *working hard* half of every night during crop, is to be ruined by sitting for half an hour, or an hour, in a house or chapel, to receive religious instruction, or to join in religious worship!

§ The hours of field labour in Jamaica are fixed by law, from five in the morning to seven in the evening. How then can religious meetings be held, except during the proscribed hours, that is to say, between sunset and sunrise?

‖ The reader will observe the superior favour and indulgence shewn to the Catholic and the Jew over the Protestant Christian.

sums of money and other chattels have been *extorted by designing men professing to be teachers of religion, practising on the ignorance and superstition of the negroes in this Island, to their great loss and impoverishment;** and whereas, an ample provision is already made by the public and by private means for the religious instruction of the slaves."† Be it enacted that, "*it shall not be lawful for any dissenting minister, religious teacher, or other person whatsoever, to demand or receive any money or other chattel whatsoever, from any slave for affording such slave religious instruction, by way of offering, contribution, or on any other pretence whatsoever*," *under a penalty, on conviction before three Justices, of £20 for each offence, half to be paid to the informer, who is hereby declared a competent witness,‡ or, in default of payment, imprisonment in the common gaol for not more than one month.*

It might not be expedient to express all the indignation which such an atrocious enactment as this is calculated to excite. Nor is it necessary. Such an enactment no Bristish minister would advise His Majesty to confirm. It must, as a matter of course, be disallowed.

The above review of the proceedings of the Jamaica legislature, unavoidably leads the mind to the consideration of a petition which the Assembly of that island addressed to His Majesty in their last Session, and which has been blazoned in every newspaper in the kingdom, as a conclusive vindication of their conduct, and a triumphant refutation of every adverse statement. It cannot be denied that if the statements of that petition be true, the view now given of the nature and tendency of the recent legislation of Jamaica must be false.

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* This heavy charge has an evident reference to the Methodist and Baptist Missionaries in the island of Jamaica, and it is incumbent on them to repel the calumny, and to vindicate the labour of love in which they are engaged, and the means they employ to promote it, from such false and foul aspersions.

† This assertion must have been known to be utterly untrue. It is proved to be so by the Bishop's report of last year, wherein he states, that for a population of 400,000, which Jamaica contains, there are places of worship only for 11,500; and "*that the parishes in the interior are absolutely without the semblance of the forms of religious worship.*"

‡ This must mean that slaves, who are excluded from giving testimony in all other civil suits, shall be admitted as informers and witnesses against a Missionary, if he shall dare to permit a slave to contribute to the expense of his own instruction, or of the chapel erected for his use, or to testify by a small contribution, his desire of communicating to others, still more wretched than himself, the light of the gospel with which he has been blessed.

It is not meant here to allude to the extravagant and rhodomontade delineations of the content and happiness in which Jamaica, "rich in the produce of her soil and the extent of her trade" once flourished; because, during the last sixty years, there have issued periodically from this Assembly, in the shape either of petitions, or reports, or addresses, the very same complaints which fill the present petition,—of dilapidated resources, decayed commerce, productions overburdened with imposts, universal gloom, inevitable ruin in its most dreadful forms, advancing with rapid strides,—and the English vocabulary ransacked for terms to depict the depth and intensity of their poverty and distress. This is the natural tone of the mendicant who thrives by the loudness of his wailings, combined with a certain air of sturdiness and menace which frightens the timid into granting the relief they fear might be extorted, if entreaty should prove fruitless.—The Assembly remind the King of the imposts paid on their produce, imposts, however, which they forget to tell him that the country, not they, have paid. They also forget to count up the sums which, in the shape of bounties and protecting duties, have been enabling the planters, for whom they are acting, to raise in this country splendid palaces, to maintain sumptuous establishments, and to purchase seats in Parliament, while these their agents in Jamaica are exacting from the whip-galled and wasting population, the sugar for which we are made to pay so dearly.

Then follows the usual vehement vituperation of Canning, and of the House of Commons, and of the erring philanthropists, and of the interested and designing calumniators, who have combined in a foul conspiracy to extinguish slavery, and thus to effect the ruin of the West Indians. All this may be passed over in silence. It must have lost its effect on the public mind. The threatened ruin so often declared to be impending, nay, to have actually arrived, can now no longer alarm. Even insurrections and conspiracies, so often got up and played off to serve a temporary purpose, have lost their terrors. They find it necessary to occupy new ground, and to plead not their *dangers*, but their *merits*, their merits too as zealous philanthropists, and liberal and enlightened legislators, from whose "humane and benevolent disposition," (such are the terms in which they extol themselves,) "enactments have emanated spontaneously," which have rendered "our slave code" "as perfect as circumstances will permit."—That their movements in the way of reform have been *spontaneous*, those who have watched the progress of

events, since the commencement of the slave-trade controversy in 1787, will feel to be about as true as that their slave code has now reached to the highest pitch of attainable perfection. But let us examine their claims on their own shewing.

1. "*The consolidated slave law passed in* 1816," they affirm, "*received an unqualified approbation from many of your Majesty's Ministers, as containing many salutary and humane provisions.*"

If such praise were ever bestowed upon it by any but West Indians, it must have been bestowed in gross ignorance of its contents. Many of its provisions, instead of being salutary and humane, were most noxious and inhuman, and those which bore a contrary aspect were devoid of all sanction and of all efficiency; witness the clause which has stood on their statute book since 1696, requiring all owners, &c., to endeavour, as much as in them lies, the instruction of their slaves in Christianity; while they have continued to deny to them both the marriage tie, and the Christian sabbath, and have never dreamt of communicating to them the slightest particle of religious instruction, till driven to it by public clamour. Those who wish to appreciate the merits of that boasted code, may consult with advantage Stephens' Delineation of the *Law* of West India Slavery, and the Appendix E, to the published Debate on Slavery of the 15th of May, 1823. They will also find a luminous comment upon it, in a Letter of Lord Bathurst to the Governor of St. Vincent's, dated 3rd of April, 1827, (Papers of 1827, Part ii. p. 110—114,*) containing Observations on the Law of that Island, of 1825, which is an *improved* version of the law of Jamaica of 1816.

2. "*Since that period, the persons of females have been protected by legal enactments in conformity with the spirit of the Act of Elizabeth.*"

There is a very convenient ambiguity in this statement. The real meaning of it is, that female children, under ten, and female slaves generally, are now protected from *rape*, (clauses 32, 33,) there having been no law to that effect before 1823, and the Jamaica legislature having then been called upon by General Conran and Lord Bathurst to pass such a law. But let it not be supposed that the persons of females are protected either from indecent exposure or from the lacerations of the

* An abstract of this letter will be found under the head St. Vincent's, below.

cart-whip. On the contrary, they are still liable, equally with the men, to the same 39 lashes of that torturing instrument, inflicted on their bared bodies, at the bidding of any free ruffian in the island, who, as owner or overseer, may be in authority over them. (Clause 37.) The Assembly, when called upon in the last session, refused not only to exempt them from this savage infliction, but even to prohibit the exposure of their naked limbs during the process of punishment, the place on which it is inflicted being the most fleshy part of the thighs, which they are stretched prone on the earth in order to present more fully, uncovered, both to the gaze of the spectator, and to the incisions of the driver.

3. "*Sentence of death, by judicial authority, cannot be enforced without the sanction of the Governor.*"

Deception lurks even in so plain a statement; for if the Act, (clause 99,) is consulted, it will be found that that very case is exempted from any necessity of reference to the Governor, which, of all others, most requires to be under his control, and where the inflamed passions of the planters are most likely to operate in causing unjust and precipitate executions, namely, "*the case of slaves convicted of rebellion and rebellious conspiracy*," in which case it is enacted, that "the Court shall, and may proceed to pass sentence, and to carry the same into execution as heretofore," provided only the occasion be not pressing, when the Court may, if it thinks proper, refer the matter to the Governor.

4. "*Manumissions have been encouraged and facilitated.*"

That has not been done, which can alone give due facilities to manumission, namely, compelling the master to accept a fair price for the liberty of his slave.

5. "*The slave has been exempt from the effect of legal process on Saturday, that he may dispose of the produce of his labour on that day, and devote his Sunday to religious worship.*"

The circumstance that the slave is exempt, on Saturday, from legal seizure for the debts of his master, enables the *master* to employ him off the estate on that day, without the risk of losing him. But it does not enable the slave to employ it either in going to market, or in cultivating his own provision grounds. The law saves the master from having his slave wrested from him on that day; but that this may be of any use whatever to the slave, he must not only be saved from legal process

for his master's debts on that day, but he must have the day allotted to him by law, which it is not. Without this appropriation of it, it is positively of little or no benefit to the slave; and therefore the measure, vaunted as it has been, is only a fresh attempt to throw dust in the eyes of the people of England.

6. "*Curates, throughout the several parishes of the island, have been appointed for the special purpose of instructing our slave population in the tenets of the Christian faith.*"

The Curates' Act was passed in 1816. In October, 1825, the Bishop reports to Lord Bathurst that "*the parishes in the interior are absolutely without the semblance of the forms of religious worship.*" The testimony of Mr. Stewart also, himself a West Indian, is, in this respect, equally decisive. The Curates' Act made the permission of the planters necessary to the instruction of their slaves. Probably from this cause,—but if not, yet, "*from whatever cause,*" says Mr. Stewart, writing in 1823, the Act "has been rendered, in a great measure, abortive." Either the lukewarmness of the curates, or the unwillingness of the planters, has "operated to render the intentions of the legislature nugatory." In truth, he adds, "*very few of the slaves have it in their power to attend Church,*" "*for Sunday is not a day of rest and relaxation to the plantation slave, he must work on that day or starve.*" (*Stewart's View of Jamaica*, p. 157.)

7. "*Fees on baptism and marriage have been abolished.*"

That is true.

8. "*The slave has been made capable of receiving bequests of personal property to any amount.*"

Yet the very clause (17) which authorizes an executor to pay a bequest to a slave, provides "*that nothing herein contained shall be deemed to authorize the institution of any action or suit at law or in equity, for the recovery of such legacy, or to make it necessary to make any slave a defendant to a suit in equity.*" In a colony where it is notoriously difficult to recover debts at all, and where executors are proverbially unfaithful, what chance has the poor slave, under such circumstances, of reaping any benefit from such an enactment? It is altogether a mockery.

9. "*In the present session we have expunged all those enactments which the policy of a remote period rendered imperative, but which, in the present day, are no longer called for, and appear harsh.*"

This is certainly a great misrepresentation. The only provision of the Act of 1816, which might appear harsh towards a slave, and which has been expunged from the Act of 1826, is that, in clauses 39 and 40, which prohibited any master, under a penalty of £30, from permitting a slave to possess either horse or mule. And even this concession was no spontaneous act on the part of the Assembly. Lord Bathurst had refused to sanction their deficiency Law, if this harsh restriction were retained.

The only other clauses of the Act of 1816, which have been expunged from that of 1826, are clauses not harsh, but favourable to the slave, namely the 9th, requiring, under a penalty of £50, an annual return, on oath, of the births and deaths of slaves on plantations; the 10th authorizing the owner to deduct the penalty of £50 from the Overseer's salary, if the neglect were his; the 11th giving a reward of £3, to be divided to mothers, midwives, and nurses, for every child born on a plantation; and the 73rd, which directed magistrates to commit runaways to workhouses only, and not to gaols.

Is not the statement of the Assembly, then, utterly untrue, which says, that "during the present session, they have expunged *all* those enactments" of former times, which appear harsh?

10. "*We have afforded still greater protection to the slave by imposing further restrictions on the mode of punishment.*"

Loudly called to it by the public voice at home, they have made it penal to *brand* a slave; but no other new restriction whatever has been imposed on the arbitrary power of punishment by the master, overseer, or driver. The power to *flog, to incarcerate in the stocks*, and to *drive in the field*, all men, women, and children, is just the same as under the former Act. The master, however, cannot now, as formerly, by his own authority, commit his slaves to *gaol* for more than ten days, or give them *there* more than twenty lashes.

It is true, there are some modifications of the trials and public punishments of slaves; that is to say, in a few cases two magistrates are now required to convict where one was before sufficient or three where only two were before necessary. In some cases the extreme severity of capital punishment is mitigated to transportation or hard labour for life; and in a few, the discretion formerly allowed, is somewhat limited.

11. "*They have extended to him, in common with every British subject, the benefit of a Grand Jury.*"

This is the first fruits of Mr. Denman's motion, in March, 1826, on the disgraceful trials which took place in Jamaica in 1823 and 1824. But this benefit of a Grand Jury is expressly limited to crimes which subject slaves to death, transportation, or confinement to hard labour for life, or for a longer period than a year.

12 " *An advantage has also been conferred, which no British subject in the United Kingdom enjoys, of having counsel assigned, with liberty to address the jury in behalf of the slave who may be put on his trial for any capital offence.*"

The case is overstated. The magistrates in every parish " are empowered and required" (but without being liable to any penalty for not doing it) to employ either a barrister or attorney, at such rate of remuneration as they may see fit, to be paid by the parish, to attend the trial of all slaves for capital offences, and to take their defence. (Clause 102.)—But to say that this confers on the poor slave advantages which no British subject enjoys, is surely rather an extravagant position. It ought to be remarked, that in the West Indian courts all free criminals may have the benefit of counsel to plead for them.

13. " *The Sunday market has been abolished after the hour of eleven.*"

This is no abolition of the Sunday market; on the contrary, it legalizes and sanctions it. (Clause 6.) The six best hours, nearly one-half of the sacred day, are consumed in the most secular and distracting of all employments, independently of travelling to the market and back, five, ten, fifteen, or twenty miles; to which, *by law*, are now superadded all the temptations to dissipation and debauchery, and to the neglect of religious worship, which Sunday markets must bring with them.

14. " *Marriage among our slaves has been encouraged.*"

Never was any assertion less true than this. It is actually rather discouraged. The first recognition of such a thing among slaves as marriage, that fundamental institution of society, by the legislature of Jamaica, is in this Act of 1826; and even there, *no legal sanction is given to it*, no connubial rights are conferred by it. There is merely a permission to clergymen to perform the ceremony, in the case of slaves who have been baptized, and who, on examination, being found to understand the nature of the marriage contract, produce the written consent of their owner. No means are prescribed for preserving a record of such marriages; or for controlling the owner's refusal of his consent.

15. "*The separation of families, under judicial or other process, has been prohibited.*"

What other process is here meant it is impossible to divine. The only provision on the subject is to be found in the fifth clause, and that refers exclusively to sales under levies by the marshal, or the collecting constable; no mention whatever being made of any other kind of sale. Now the Assembly actually rejected a clause proposed to them, to prohibit the separation of families by private sale. Besides, this is no new clause. It only renews what has long been the law, that when a family is seized together it shall be sold together. Nay, it is so far from effectually preventing separations, that it expressly bars against its being understood to interfere with levies *on individual slaves*. And in point of fact, the levies by the collecting constables are almost always on individual slaves, who, of course, are sold singly; and it often, nay generally happens, that even on the occasion of seizures by the marshal, it is not the whole family, but an individual or two of it, who are taken.

16. "*The maintenance of infirm slaves has been enforced.*"

This is no new law, but the mere repetition, *totidem verbis*, of what has always stood in the statute book. The 19th clause of 1826 corresponds to the 13th of 1816.

17. "*The acquisition of personal property has been sanctioned and secured by law.*"

The clause here alluded to, the 15th, gives neither sanction nor security to the property of slaves.—See above, p. 37.

18. "*We have declared slaves competent to give evidence in criminal cases.*"

Slaves are not allowed to give evidence in any civil cases, and only in certain specified criminal cases, and even then under very material restrictions, which will be found above, p. 37.

Is it not a most indecorous proceeding, to use the mildest term which befits the occasion, in a body like the Assembly of Jamaica, to approach the throne with an official representation so full of misstatements, and in some instances so directly at variance with the truth, as many parts of this Petition? And while they have thus exaggerated and misrepresented what has actually been done, they have entirely omitted to notice what has been left undone. They have omitted to state their general rejection of the reforms recommended by

his Majesty. They have omitted also to mention the many harsh, not to say barbarous enactments, which have been retained on their statute book; such as the number of hours in the day assigned to the slaves for field labour, independently of night work, grass collecting, and other minor labours of their own; the power given to a single magistrate to punish at his discretion a slave complaining of his master, who does not prove his complaint; the sale into slavery of persons apprehended as runaways, who affirm they are free, but fail in proving their freedom, although claimed by no one; the punishment of slaves "offering any violence to or towards any white or free person," with death, &c.; the punishment also with death of pretenders to witchcraft; the punishment of teaching or preaching with flogging, &c.; the debarring of slaves from contributing to any religious or charitable object; the punishment of slaves having less than 20lb. of meat of any kind in their possession with 39 lashes, and above 20lb. with any infliction short of death; the indemnifying of owners for the value of slaves executed or transported; the authorizing of the execution of slaves convicted of rebellion, or rebellious conspiracy, without any reference to the Governor; the prohibiting of any slave, however atrocious may be the cruelty with which he has been treated, from being set at liberty, if any slave shall have been a witness at the trial; with other enactments of the same kind.

XII. Mauritius.

There is no return whatever from this island. In the next session of parliament there will probably, however, be a full developement of the peculiarly cruel character of the slavery which exists there.

XIII. Montserrat.

From this island, also, there is no return.

XIV. Nevis.

About twenty folio pages are devoted to Nevis, which do not, however, furnish the slightest official information.* They contain some merely inchoate measures, which have not been in any instance carried into effect; and even these notices are furnished not through the regu-

* Papers, &c. 1827, Part ii. p. 73—92.

lar official channel of the Governor, but through the private and unofficial channel of the agent for Nevis, Mr. Colquhoun. But whatever may be the correctness of Mr. Colquhoun's information, it serves no purpose, except uselessly to fill up twenty folio pages of printing with an unfinished and abortive Bill.* We should have been sorry, indeed, had that of Nevis proved otherwise than abortive, as it went to legalize Sunday markets, the flogging of women, driving in the field, with many more of the well-known abominations of the slave system, and as it made no real and efficient improvement, even where it *seemed* to touch upon the reforms recommended by Lord Bathurst. The following ingenious method of complying with his Lordship's wish to abolish driving in the field, may be taken as a specimen of the legislative dexterity of the Nevis Assembly. "And be it further enacted, that it shall be henceforth utterly unlawful to carry, use, exercise, or employ the whip, commonly called the cart-whip, either as an emblem of authority, or as an instrument of punishment, or of driving or coercing of slaves to their labour, and the same is hereby abolished. But nothing herein contained shall extend, or be construed to extend, to prevent any master, or manager of slaves within this island, from permitting, or causing to be carried and exercised or employed, such emblem of authority, *and moderate and innoxious means of stimulating the idle or the lazy to due exertion, as he in his discretion may think fit, so as that such emblem of authority, or means of stimulating exertion, be not repugnant to the rational and acknowledged principles of humanity.*"

It were curious to inquire what those rational and acknowledged principles of humanity are, which are recognized in the colony which witnessed, and nevertheless refused to punish, the atrocities of a Huggins.

XV. St. Christophers.

On the 7th of October 1826, Governor Maxwell informed Lord Bathurst that he had laid the bills recommended by his Lordship before the legislature, and that he feared the greatest objection would be felt to the appointment of a Protector of slaves. This, he adds, "I must regret, as I feel convinced that without some provision of this kind, the slaves will not have the protection and support to which their

* Ibid. p. 309.

forlorn situation so justly entitles them."* The whole of the recommended measures, however, appear to have been as unpalatable to the Assembly of St. Kitt's as that of a Protector. They have as yet adopted none of them. On the 5th of May, 1827, no progress whatever had been made.†

XVI. St. Lucia.

By referring to the pamphlet entitled the "Slave Colonies of Great Britain," p. 73—76, it will be seen with what earnestness the Governors of St. Lucia, General Mainwaring, and Colonel Blackwall, making common cause with the planters, struggled to preserve entire some of the worst abominations of the slave system. Much has nevertheless been done since that time to improve the state of the law in this island, though it has not been without many opposing offorts; as if, in parting with one abuse after another, their very heartstrings had been torn asunder. And yet, on the 15th of August 1826, General Mainwaring writes that "since the promulgation of the slave law, now three months in operation, the greatest harmony and good feeling exist in the colony."—Nay, "the happiness, quiet, and good order of the plantations have been fully proved to me by the reports of the Commandant, and of a commission," who had made the tour of the island, and inspected every estate.‡ The General, however, can hardly forgive the abolitionists, for having interfered to produce this state of things, (taking it to be a real and not an imaginary picture,) for on having been forced reluctantly by Lord Bathurst to make a few material improvements in the code, which he had at first promulgated in a somewhat imperfect state, he tells his Lordship that the members of the council who have acceded to these improvements are slave holders; and he hopes, that having done so, they "will be met by a corresponding feeling on the part of the anti-colonists at home; when I trust the West India question will be set at rest in a manner which I hope will be satisfactory to your Lordship."§

We fear that the gallant General, who has kindly volunteered this remark, may still have to experience some annoyance from

* Papers, &c. 1827, Part ii. p. 69. † Ibid. p. 309.
‡ Papers, &c. of 1827, Part ii. p. 139.
§ Papers, &c. 1827, Part ii. p. 157.

the troublesome interference of these *anti-colonists*, as he calls them, within the bounds of his government.

It is not a very easy matter to give a clear view of the present state of the law in St. Lucia, as the text of the new code is so broken into parts, and so overloaded with notes, and so interrupted with arguments and observations, as to bear to the cursory reader a very perplexed aspect. The original Ordinance has also been largely amended since its first promulgation, so that a revised and compacted edition of the whole is necessary before its real drift can be properly appreciated. Certainly great pains appear to have been bestowed upon it by Mr. Jeremie, the President of the Royal Court, who nevertheless shews a disposition to defer too readily to the unreasonable apprehensions of the planters around him.*

The following are the points in which the St. Lucia Ordinance now differs from that of Trinidad, and, for the most part, as will be seen, very greatly to the advantage of the former. The authorities for what follows will be found in the papers for 1826, p. 1 to 104, and in those for 1827, Part ii. p. 157 to 160.

1. The law with respect to the non-separation of families, by judicial sales, is more effectually guarded from violation than even in Trinidad. If the creditor shall seize one of a family, the owner shall be bound, on pain of forfeiting them, to produce the rest, that they may be sold in one lot. The prohibition to separate families extends also to sales by private and voluntary agreement. The transfer of part of the family shall be taken and considered as a transfer of the whole, and that without any increase of price being paid to the person who had unduly retained them.

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* This gentleman occasionally gives way to prejudices which are unworthy of him. He accuses the abolitionists (going quite out of his way for the purpose) of contradicting themselves, and of distorting facts to serve their present object; but the instances he gives have really no foundation whatever in truth. Who, for example, among them has ever alleged as a reason for giving rights to the slaves, that they are "well informed," "absolutely learned,"—or as an excuse for the Demerara insurrection, "What could be expected from a benighted negro?" The abolitionists know too well the deplorable ignorance of the slaves ever to have asserted the extent of their learning. And with respect to the Demerara insurrection, their surprise certainly was that benighted negroes should have acted so well under such strong excitement, rather than that their conduct required a disparaging apology. This gentleman has, nevertheless, rendered most essential services to the interests of humanity.

2. Slaves cannot be separated by seizure and sale from the plantations to which they belong.

3. Sunday markets are continued till eleven in the forenoon.

4. The rules respecting labour, which at Lord Bathurst's suggestion have since been somewhat though very inadequately modified, shew clearly the intensity of the toil exacted from the slaves, and account, in some measure, for the extraordinary mortality which occurs in St. Lucia. "Masters are expressly enjoined not to work their slaves on Sundays *from midnight to midnight.*" Slaves shall not be worked before day-break, nor after night-fall, "*except when employed at the sugar-mills and in other manufactories, or extraordinary occasions of forced crops absolutely requiring continued labour.*" But even then "*the same slaves shall not be worked during two nights consecutively*, except when the gang shall have been divided into watches, and then, *the same watch shall not be worked more than half the night.*" This rigorous exaction has since been qualified by an amendment which says, that eight consecutive hours of rest shall be secured to the slave in the 24 hours.

5. The clothing fixed for the slaves for each six months is, for the men, one shirt and trowsers;—for the women, one chemise and petticoat.

6. The master is exempted from feeding his slaves, except with cod fish, if he gives them a day every week out of crop, and half a day in crop, besides Sunday, for working their provision grounds. If he gives them an additional day in the week, over and above the day out of crop and half a day in crop, he is exempted from feeding them at all.

7. Once in each year Commissioners shall inspect the plantations. The three owners whose gangs have most increased shall have prizes of 4000, 2000, and 1000 livres, provided their plantations have been administered according to law, and provided there has been no well-founded complaint against them on the part of any of the slaves. The mother in these three gangs having the largest number of living children shall be manumitted together with one of her children, at the public expense.

8. The barbarous principle of paying to the owner the value of his slave who is condemned to death and executed, or who being a runaway, is killed in flight, is retained in this code.

9. The slave's right of property is better secured to him in St. Lucia than elsewhere; and he has this further advantage conceded to him, that he may have "an action in his own name when he claims his freedom as a right."

10. "Slave evidence is admissible in all cases, civil and criminal, except against the slave's master."

11. The penal laws against slaves are dreadfully severe; and it is much to be lamented that they should have been confirmed by Lord Bathurst, we trust they will be revised. A fugitive slave for a second offence suffers *a month's solitary confinement and* 100 *lashes;* for a third 200 *lashes and three years hard labour in the chain gang;* for the fourth *death.* A slave assisting another in escaping, or attempting to escape from the colony, shall suffer 200 lashes and three years hard labour.—A slave carrying steel arms of any description shall be deemed a felon.—A slave striking his owner, or his owner's wife or child, is guilty of felony, and in cases of aggravation shall suffer death. Slaves taken up masked, or trading, or selling sugar cane, coffee, &c. without their master's permission, or found straggling without a passport, &c. &c., shall be subject to penalties not exceeding 150 lashes and three years hard labour in the chain gang.

12. A slave marrying a free owner becomes free, and the issue though born before marriage is free also.

13. Persons in holy orders may baptize as free, children under the age of one year, though born of mothers in a state of slavery, the owner consenting thereto.

14. In all cases, he who affirms that a person is his slave is bound, except he be in actual possession, to prove his allegation; the presumption being in favour of natural liberty.

15. No authority whatever shall reduce to slavery a person free by birth or manumission, or by 15 years prescription.

16. Notwithstanding all Mr. Jeremie says in favour of the measure, we think it a most mischievous law which constitutes the owner, instead of the crown, the heir of an intestate slave.*

17. No less objectionable seems the power which Mr. Jeremie would give to the Commissaries of quarters, of inflicting forty lashes on the

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* Papers, &c. 1827, Part ii. p. 163.

female slave. We trust that his reasoning on the subject will not induce Government to depart from their principle.*

An account is given in these papers of an enquiry into some cases of cruelty, one of which appears to have been very satisfactorily established. It is that of Maria Rose, who had been handcuffed by the order of a Mr. M'Gowan, and her feet being tied, her arms were raised above her head, and hung by the handcuffs to a nail, in such a manner that her heels were elevated considerably above the ground; the whole of her weight resting either upon the handcuffs, which were hung upon the nail, or upon her toes; in which position she remained for nearly two hours.† The Attorney General was ordered to prosecute M'Gowan, who was found guilty, and sentenced to pay £50; but the punishment being thought inadequate, there had been an appeal from the sentence.

XVII. St. Vincent's.

The legislature of this Island threw out the eight Bills, proposed to them by Lord Bathurst, without a division,‡ conceiving that they had already gone as far with their ameliorations as prudence would allow, in the Act of December, 1825, of which a brief sketch will be found in the 11th number of the Anti-Slavery Reporter, p. 163. Its imperfections, however, will be still more clearly seen by referring to a despatch of Earl Bathurst, of April 3rd, 1827, in which, while he leaves the Act to its operation, he takes occasion to make a variety of observations upon it to the following effect.§

Several of the measures, he observes, recommended by the Government, and approved by Parliament, are either wholly omitted, or imperfectly accomplished.—No protector of slaves is appointed; Female flogging is not prohibited; No presumption against the master is made to arise from traces of recent punishment; The separation of families, by judicial process, is not prevented; Saving banks are not instituted; No incapacity of holding slaves is made to follow cruelty, however frequent; The provisions respecting the property of slaves, are most defective and inadequate; So are the regulations respecting marriage, the observance of the Sunday, the prevention of compulsory labour on that day, and the abolition of Sunday markets; Equally imperfect and inef-

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* Ibid. p. 155.
† Ibid. p. 141.
‡ Ibid. p. 312.
§ Ibid. p. 110—114.

ficient are the provisions respecting manumission; Men and women are punished alike, while the master's power of punishing them extends to 39 instead of 25 lashes; No time is interposed between the offence and the infliction; The presence of a free witness is not required; The record of punishments proposed is wholly inadequate to its purpose; The *whip in the field* may still be used by a *free* person, or the cat by a *slave*.

His Lordship further points out many defects in their criminal laws, such as punishing the *intent* to commit a crime in the same manner as the crime itself; also punishing *capitally* the superstition of Obeah, *any* personal "injury" done by a slave to a free person, the "imagining the death of a white person," and the holding meetings "for *any* unlawful and dangerous purpose;" and he complains, generally, of the vague and indefinite expressions which are used to describe even capital offences. To two other points we were glad to find his Lordship, at length, strongly objecting. One is, the practice of indemnifying the owner for the loss of his slave, in cases of capital conviction; a measure which, as a general rule, he conceives "may be productive of great mischief and injustice, depriving the master of a strong motive for preventing the commission of crime by his negroes, and depriving the slave of the protection which the self-interest of the master might otherwise afford him." "His own neglect of domestic discipline and instruction, may have occasioned the offence for which the slave has suffered."

The other point to which he objects is the system of punishing slaves who complain against their masters, but fail in proving the truth of their complaints. "Unless punishments of this kind," he remarks, "are administered with extreme caution, they will have a direct tendency to prevent the most just and reasonable complaints. The law ought not to authorize the punishment of a complaint, simply because no conclusive proof is adduced to justify it." It should be *proved* to be "groundless or frivolous, if not malicious, before the party complaining is punished for preferring it."

And yet this very principle, against which Lord Bathurst here so justly and forcibly remonstrates, now forms a part of the Trinidad Order, having been added to it by proclamation, on the 23rd of June, 1824.

His Lordship further exposes the total inefficiency of the law of slave evidence as it now stands. No slave can give evidence who is not baptized

by a *clergyman*, or whom a *clergyman* does not certify to be of good character, and to understand the nature of an oath; thus disqualifying the unbaptized, and the disciples of all other religious teachers than those of the established church. "What is still more objectionable, is the necessity imposed of obtaining another certificate, to the same effect, from the proprietor, or manager of the slave," who may have a motive to prevent the slave from being heard as a witness. A slave, moreover, cannot be a witness in any *civil* case; or, in any criminal case, against his owner, manager, &c. His evidence is besides clogged with many other difficulties.

Lord Bathurst has rendered a most essential service to the cause of humanity, by recording these observations, which are, almost all, just as applicable to Jamaica, and indeed to the other slave colonies, as to St. Vincent's. It is a most painful consideration that laws, of which such things can with truth be asserted, should now be in operation under the deliberate sanction of His Majesty's Government.

XVIII. Tobago.

Nothing has been done by the legislature of this colony, in consequence of the recommendations of His Majesty's Government, in March and May, 1826. There has arisen, however, much interesting discussion on the part both of the Council and of the Assembly, between whom there exists a difference of opinion on most of the topics embraced by Lord Bathurst's eight Bills. Of those Bills, however, it is due to his Lordship to state the sentiments entertained by Mr. Macbean, the enlightened lawyer who fills the office of Attorney-General in Tobago. "To me," he says, "they appear throughout framed with the most anxious care to prevent any serious injury to the proprietor, while they certainly contain *many enactments which, if carried judiciously into effect, would confer lasting benefits on the slave.*" His Lordship might, therefore, have confided more implicitly in the capacity which exists in this country, of legislating more justly and beneficially for all parties concerned, than the colonial legislators, in general, have shewn themselves qualified or disposed to do. And not only does Mr. Macbean, but the legislative Council of Tobago, seem to be of the opinion that the Bills which have emanated from Downing Street, are quite as well calculated for the meridian of the West Indies, as if they had proceeded from an assembly of planters. The Council express a most decided

opinion, that " many of the proposed new regulations may be adopted *with perfect safety, and some prospect of advantage to the slave;* and none of them are so objectionable, but that, under proper modifications, their principles may not be, in some measure, adopted." They approve of the appointment of a Protector armed with suitable powers. Slave evidence they wish to be received in all criminal courts, without any restraints which do not apply universally. They have some reserves, but of a somewhat unreasonable kind, on the subject of manumission.* *They have no objection to legalize the marriage of slaves.* Sunday markets are already abolished, and they approve of enforcing the observance of that day. They accede to the conferring of rights of property on slaves, and to the establishing of saving's banks. They recommend the non-separation of families by judicial sale, but, (somewhat squeamishly, considering all things,) they object to the admission of *reputed* wives and husbands within the pale of the immunity; although it is a fact quite notorious, and recorded by the very authorities of Tobago themselves, that no marriage of slaves has ever taken place there.†

On the only remaining point, the mode and degree of punishments, the Council approve of putting down the driving whip; but they do not approve of postponing punishments for 24 hours, or of ceasing to flog females. Females, however, they observe, with a commendable tenderness, might be flogged with a cat instead of a whip, and indecently exposed to no male eye, but those of the person ordering the infliction, the driver, and another witness; that is, three men at least. They do not object to a record of punishments, but they decidedly object to allowing fresh lacerations, unaccounted for, to raise a presumption of illegal punishment against the master; or to allowing either atrocious cruelty to produce the forfeiture of the sufferer to the Crown, or a repetition of such cruelties to disqualify the perpetrator of them to hold slaves.

* They would permit no female to be freed who gained money by concubinage; that is to say, in other words, they would have *no* female slave freed, for all the female slaves in Tobago live, and have always lived, in concubinage. There is even now no law authorizing the marriage of slaves in Tobago, and the report made thence to Parliament is, that in that colony no marriage of slaves has ever been celebrated. And yet they gravely propose, that no female shall be freed who lives in concubinage! And why is not the same principle applied to the men? They equally live in concubinage.

† The effect, therefore, of such an exception, would be that the law would be a dead letter. It would apply to no one husband or wife in Tobago!

They decidedly object also to some of the more prominent barbarities of the former code, retained in the improved Act of 1823, such as making the wounding of any free person, and the compassing of death of a free person, capital offences; and also to the monstrous inconsistency, "that two or more slaves who could give evidence to convict of murder a fellow slave, should be counted as nothing, in the scale of legal demonstration, should the accused happen to be a person of free condition." "This glaring absurdity of rejecting or receiving testimony, according to the colour or condition of the individual, ought immediately to be remedied."*

To these opinions of the Council, those of the Assembly form a frequent contrast. The Assembly are of opinion that the Act of 1823 "embraced almost every measure which could tend to the happiness and comfort of the slave." The appointment of a Protector they regard as wholly uncalled for. Compulsory manumission they conceive would be the entire destruction of slavery, root and branch. They see, however, no evil likely to ensue from admitting the evidence of slaves in all cases. They evidently prefer the present state of concubinage among the slaves to marriage.† They do not object to preventing *unnecessary* labour on Sunday, and to giving rights of property to slaves, or forming saving banks; but they hesitate as to not separating *reputed* husbands and wives. To the whole system of reform, in respect to the whip, flogging females, keeping a record of punishments, visiting cruelty with the forfeiture of the slave, &c., they most strenuously object.‡

Thus stands the matter in Tobago, while with all their professions of humanity, their slave population decreases at the rate of 2 per cent. per annum.

XIX. Tortola.

There is no return from this island.

XX. Trinidad.

The returns from this island contain a great variety of miscellaneous information.

* Ibid. p. 128.

† What nation in the earth is so savage as not to understand the nature and duties of marriage? And yet the legislators of Tobago wish their slaves to serve a long apprenticeship of cohabitation, before they are allowed to be man and wife. What is marriage, but cohabitation legalized, and rendered permanent and exclusive?

‡ Papers, &c. 1827, part ii. p. 115—138.

I. The Council on the motion of Mr. Burnley have requested Earl Bathurst to permit the publication, in the Gazette of the Island, of all complaints of master and slave against each other, and of the decisions upon them, with the view of silencing calumny, and shewing that no reforms were necessary in a colony where slaves are already so well protected by law. Lord Bathurst has complied with the request. Let the apparent inference however from this publication be ever so favourable to the planter, in a colony where a slave, making a complaint which he fails to prove, is liable to punishment for having made it, it is surprising that it should not have occurred to Mr. Burnley and the council, that that inference will weigh but as a mere feather in the scale against the fact of an annual decrease of the slave population, by the excess of deaths over births, to the enormous extent of $2\frac{3}{4}$ per cent. per annum. This circumstance being lately mentioned to a planter of Trinidad, who has resided in that colony for twenty-five years, he remarked very emphatically, "You need not wonder at that mortality: it is the sugar which kills them: more of it is made in proportion in Trinidad, than anywhere else." This is literally the case. More sugar is made in Trinidad per negro than in any other British colony. It amounts to about twelve cwt. for each slave.

II. A further proof of the necessity of interference in the government of the slaves in Trinidad is furnished by a recent occurrence detailed in these papers, pp. 265—271, and in which Mr. Burnley himself acted a prominent part.

Pamela Monro, a female slave, eighteen years of age, whose mother was desirous of manumitting her, was ordered to be appraised in the usual way, by two appraisers, Thomas Le Gendre and William H. Burnley, esqs. These appraisers, not attending simply to the plain terms of the oath they had taken to make "a fair and impartial appraisement;" but having recourse to sophistical and constructive inferences from a misinterpreted instruction of Lord Bathurst, declare their judgment to be, that "Pamela Monro *is fully worth* the sum of 1200 Mexican dollars perfect (viz. 260*l.* sterling), *and they do place that value upon her.*" The fair and real value of this young woman in the market, might be about 80*l.* or 85*l.* sterling: the appraisers form an imaginary valuation of her, which amounts to three times this sum; a decision which has of course doomed the wretched Pamela to remain a slave.

The Protector of Slaves, Mr. Gloster, having been applied to on this occasion, stated that the appraisement of this poor girl far exceeded any other since the promulgation of the Order in Council. The very highest appraisement of any Slave, even of the most valuable class, had been 169*l.*, and this man was a head boiler, and a tolerable mason, carpenter, and blacksmith, whom his owner considered it impossible to replace. Another slave, who acted as a store-keeper and out-door collecting clerk, and who was in every respect a confidential servant, had been sold for 162*l.* 10*s.* sterling. Four head drivers had been also appraised, all very intelligent and confidential persons; one of them, capable of conducting a Cocoa Estate, at 150*l.* sterling; another at 140*l.*; another at 120*l.*; and a fourth *(whom his former master at this very time employs as an overseer, for daily wages)* at 97*l.* 10*s.* sterling.

The observations of the Protector of Slaves on this transaction are invaluable. They are as follows:

"The appraised value of slaves manumitted, under the provisions of the Order in Council, for the first eighteen months after it came into operation, does not average much more than one-half of the general average for the last twelve months."—(That is to say, since the unhappily misconstrued despatch of Lord Bathurst became public.) "The selling or market price of slaves, however, has not experienced a commensurate rise; and therefore it is evident, that the magnitude of the appraisements *lately made* are not occasioned by the increased value of slaves.

"While the market price of slaves continues as at present, I would consider the application of other principles of appraisement to any common case, as *an injustice to the slave, and an encroachment on the rights conferred upon him by the law.*

"To my apprehension, *the only fair criterion by which the value of a slave can be ascertained,* is *the usual market price;* and although that price has risen considerably within the last twelve months, the criterion afforded by it is far exceeded by the generality of appraisements.

"It is also certain that the market price will rise in proportion to the decrease of the number of, or difficulty of procuring, *plantation* slaves. It is, therefore, UNJUST *to add to the real value, or market price, of the slave purchasing his freedom, a portion of the value*

of the estate to which the slave is attached, until it becomes impracticable to continue the cultivation of the estate, in consequence of the impossibility of procuring a substitute for the slave who is to be enfranchised.*

"The opposite opinions are very generally diffused, and, however controvertible they may be by argument, *I cannot indulge even the hope that they will be easily eradicated, or prevented from operating very seriously to the disadvantage of the slaves desirous of becoming free.*"

"The principle," (which principle was assumed and avowed by the appraisers of Pamela Monro) "that the value of the slave should be estimated at the amount of the capital required to yield a revenue equal to the hire which could be obtained for the slave, is evidently fallacious, from the fact that, every day, instances occur of slaves being bought for four hundred dollars," (a third of the appraised value of Pamela Monro) "who, as Mr. Burnley mentions," (of Pamela) "may be immediately hired at the rate of six dollars, or 1*l.* 6*s.* sterling per month, fed, clothed, and the capital guaranteed; the corresponding capital to which, at six per cent., (the ordinary rate of interest in Trinidad) is 1200 dollars, or 260*l.* sterling, the appraised value of Pamela Monro. Yet surely, it could not be pretended that the latter sum was the real value of a slave that was bought for one third of the sum, (400 dollars) and that could not be resold at an advanced price. This, I submit, PROVES *that the market price is the only just and fair criterion for determining the value of a slave.*"

This luminous and convincing exposition of the case is highly creditable to its author, Mr. Gloster; and so undeniably just and reasonable in itself is this method of ascertaining the indemnity due to the planter for the loss of his slave, that it is precisely the method which has been prescribed, by every legislature in the West Indies, whenever a slave is taken from his master for any public purpose, or is executed, or banished for a criminal offence. The value, in such case, is assessed by a Jury according to the fair market price, and they are not allowed to go beyond it. Had Pamela Monro, instead of being a claimant for freedom, been condemned to the gallows, she would have been

* And not even then, for even in that case the market price would still be the criterion of value.

equally lost to her owner; but in that case, Messrs. Le Gendre and Burnley would not have been permitted to award, even on their oaths, more than a third part of 1,200 Mexican dollars, as her fair and just appraisement.

It appears from what has passed in Trinidad on this occasion, that even the binding solemnity of an oath does not secure a fair measure of justice to the slave; and that if the Government and Parliament wish to fulfil their pledges, steps must forthwith be taken to obviate the effects of such deviations from fairness and impartiality. And if even the sanctions interposed, in such a case as this, are unequal to resist the influence of that sympathy, which the holders of slaves feel in favour of the master, and against the slave; how can the Government and the Parliament continue to intrust, to the conscience and feeling of such men, the more difficult and delicate and complicated task of legislating for their wretched dependants?

III. From the first promulgation of the Trinidad Order, we have not failed to insist strongly on the injustice of that part of it which regulates the evidence of slaves, as being at war with every sound principle of jurisprudence, and as being a deterioration instead of an improvement of the condition of the slaves of Trinidad. On the 9th of July, 1823, the Council of that island declared that it was already the law there, that the testimony of slaves should be received *quantum valeat*. Notwithstanding this previous state of the law, the Order in Council promulgated in March, 1824, lays the right of slaves to give evidence under many grievous restraints. First, the certificate of a teacher of religion is required. Such certificates, however, have not been obtainable in Trinidad, where teachers of religion are still more rare, it would seem, than in our other colonies. Accordingly, only one such certificate has been produced in Court since the promulgation of the Order. That is to say, only one slave has become competent, according to the new law, to do that which all slaves might have done before its enactment. It is true, that the Order contains a proviso, that the regulation, as to certificates, should not "take away or diminish any power which any criminal court has now to admit, in any case, the evidence of persons in a state of slavery." This proviso, however, has appeared to the colonial Courts to do no more than to authorize them to exercise a discretion as to receiving or rejecting slave evidence, and, under this impression, they have thought that they best used that discretion, and best fulfilled the

intentions of His Majesty's Government by rejecting the evidence of all slaves, as incompetent, who are not fortified with the required certificate. The Chief Judge distinctly says, that he regarded the general principle inculcated in the Order to be that slaves are, in themselves, incompetent witnesses. He should therefore have thought that he was counteracting His Majesty's intentions, had he substituted his own views of competency for what the Order seemed to regard as alone indicative of competency, namely, the certificate of a teacher of religion. Lord Bathurst expresses himself greatly dissatisfied with this interpretation of the law, and yet it seems the fair and natural construction; and therefore, to us, the terms of the Order have always appeared most unjust and illiberal.

It is quite obvious that all attempts to modify the established rules of evidence, so as to meet the unreasonable prejudices of the planters, can only issue, like the attempt in Trinidad, in complete failure. There is but one principle which, in regulating this subject, can be safely acted upon, and that is, for tribunals to admit freely all witnesses, of whatever class or colour, judging of their competency and credibility by the ordinary rules of evidence. The arguments of Mr. Peel on this subject, in his Speech of the 1st of March, 1826, are quite unanswerable.* And we trust that when the Trinidad Order is revised, as is stated to be the intention of Government, they will attend to Mr. Peel's just and luminous suggestions on this point. Would any man in his senses propose to confine the right of giving testimony, in the courts of British India, to baptized persons, or to persons instructed in Christianity, as is done in Trinidad? The religious pretence on which this strange restriction is founded, is, without doubt, a very convenient plea for getting rid of an obnoxious measure, on the part of those too whose own total neglect of religious instruction, and even whose hostility to it have alone produced the ground for that plea. When the Order is revised, we trust that this, and the many other defects in the evidence clauses, as well as in the Order generally, will not be overlooked.† Among those defects the hitherto total absence of the means of religious instruction, the authorized and protracted continuance of Sunday markets, and the withholding of the promised day, in lieu of Sunday, from the slaves, are points particularly worthy of early attention. All

* See Anti-Slavery Reporter, No. X. p. 103. † Ibid. No. XI. p. 132.

the local authorities combine in representing the destitution of the means of religious instruction as most deplorable.

IV. Sir Ralph Woodford having been called upon, with a view to the proposed revision, to forward suggestions on the subject, has addressed a letter to Mr. W. Horton, in which will be perceived, with no small regret, a strong leaning in favour of the master's convenience as against the slave's comfort. The following instances will serve to illustrate this feeling.

1. He proposes that work should cease at eight on Saturday night, instead of sunset, and that it should commence at four on Monday morning, instead of sunrise.

2. He proposes that only the night, and not twenty-four hours, should elapse before a crime is punished.

3. He proposes that returns of punishment should not be made oftener than twice or even once a year.

4. He wishes the regulations respecting returns of punishment to be relaxed.

5. He objects to the 21st clause, (the most valuable clause in the whole code,) which raises a presumption against the master on the exhibition of recent lacerations on the body of the slave.

6. He doubts the propriety of the marriages of slaves, and thinks the people averse to them.*

7. He proposes that slaves, having money in the Savings' Banks, might commute their corporal punishments for money.

8. He would compel slaves to account for the manner in which they earn the sums carried to the Savings' Banks.

9. He even wishes the rules respecting Manumission to be modified, so as to meet the views of the planters.

10. The clause requiring a bond to be given on the manumission of young children, to prevent their being hereafter burdensome, he says is avoided by having infants registered, *as free*, in the Church register, when baptized; meaning, of course, to intimate his wish, (a most revolting wish!) that this humane proceeding should be prevented by law; in this respect, directly opposing the more merciful course adopted by Mr. Jeremie in St. Lucia.

* In what other country in the world, civilized or savage, is marriage not cherished? Its absence in Trinidad, in conjunction with the heavy sugar culture, and the cruel exaction of labour caused by it, sufficiently accounts for the mortality there.

11. He objects to the fines and forfeitures for cruelty as too heavy, and as unreasonably menacing.

12. He objects to the restriction on slaves working for hire on Sundays, and says, it is easily and generally evaded. They pot sugar on Sundays, for which they get a good lump of sugar. All industrious slaves work in their grounds on Sunday, and some hire others on that day, and even *free people*, to work their grounds during the week. *

13. There seems to remain a strong hankering after the flogging of women. "It requires," says the Governor, "great patience to bear with the provoking tongues and noise of the women;" and yet he admits that those who were most averse to the Order have confessed that their fears on the subject had not been realized.

The Governor states, that the negroes were generally conducting themselves well, and that task work was becoming general. The women, he says, are every where complained of as unmanageable. The planters, doubtless, wish to resume the practice of flogging them.

He is very anxious that there should be no fresh discussions in this country respecting slavery. In that case he thinks that things would go on quietly.—No doubt they would, and the slaves would go on quietly to die off at the rate of nearly three per cent. per annum. But Sir Ralph is greatly mistaken, if he supposes that this is a state of things which can, in deference to his wishes or those of the Planters of Trinidad, be suffered to proceed *quietly*.

V. Sir Ralph Woodford has addressed a letter to Mr. Wilmot Horton, on the subject of free labour.† Having had, he says, "an opportunity afforded him of obtaining accurate information of the comparative disposition of the Spanish peons (or free labourers) to *labour* and

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* We have no doubt that the principle on which the Order of Council has proceeded, in respect to the observance of Sunday, is altogether vicious, and that it requires a complete change. Sunday markets should have been wholly abolished, and a day in lieu of Sunday given to the slave, and then all that the law had to do was to prevent the master from compelling the slaves to work for his benefit on the Sunday, except when the occasion was pressing; and then to pay them a liberal sum (not in "lumps of sugar," but in money) for their labour. All the other useless and unavailing restrictions, as to slaves working voluntarily, might then have been done away, only providing, as in this country, for the decent external observance of the Sabbath. See this subject fully discussed in the Anti-Slavery Reporter, No. 11. p. 132—135.

† Papers, &c. 1827, Part ii. p. 258.

idleness, and that upon an extensive number, and a work on which they were certain of their pay in cash," he sends a statement of the days they worked in 1825, being somewhat more than half the working days in the year. Now this statement, pretending to accuracy of information, really affords no information at all. It does not tell us what were the wages afforded to the peons in this particular work, nor the proportion which these wages bear to the profit of other and easier employments. It does not tell us whether they had grounds of their own, which it was their interest to cultivate, and for which it was necessary to detach a portion of their time. But we are drily told that they worked only fourteen or fifteen days in the month at this particular employment, and are left to infer that it was their *idleness* which prevented them from working more. This is clearly not the fairest method that could have been adopted of elucidating the subject of free labour. If the weight of official authority is to be brought to bear against freedom, care at least should be taken that the materials for forming a correct judgment should be given, and that the decision of so grave a question should not be left at the mercy of the *italics* in a letter of Sir Ralph Woodford.

VI. These illustrations of the subject of free labour are followed by a communication, disclosing some important facts made known to Sir Ralph Woodford by a Mr. Peschier, who is employed under him in managing an estate and a gang of slaves sequestered to His Majesty in Trinidad.* The Crown, it thence appears, is the owner of slaves who are worked for its profit, in the same way as are the slaves of the planters generally, and so worked as to produce exertion beyond their physical strength; and this last fact is as coolly spoken of as if it involved nothing opprobrious. The tasks set the slaves, we are distinctly told by Mr. Peschier, were such that, in order to execute them so as to redeem a small portion of the day for their own objects, they were led to work beyond their strength. Now, in this country, it is well known that men who undertake task work are often induced to work beyond their strength; but that is because they are paid in proportion to the work they perform. If the negroes of Carapechaima Hall (for such is the name of the king's slave plantation) were paid in proportion to their labour, there would be found, in the natural desire

* Papers, &c. 1827, Part ii. p. 259.

of accumulation, a sufficient motive for a degree of exertion which might tend to impair their physical strength. But the case of these royal slaves is different. They receive no remuneration for their labour. Their exertions are for His Majesty's profit, not for their own; and they are not voluntary, but compulsory. The tasks they had to perform were tasks imposed on them by the manager appointed by the representative of the king, and which they were bound to fulfil, in the course of the day, on pain of being flogged. These tasks, it seems, were such as to require a degree of exertion beyond their physical strength, in order to gain a little time for their own use. In this case one would have expected that Mr. Peschier would have thought of lessening the tasks which were productive of these injurious effects. Such however was not his policy. He adopted the expedient, not of lightening the labour of the slaves, but of dividing their day's task into three portions, and obliging them to perform one portion of it before breakfast, about half past eight in the morning; another by noon; and the third after two o'clock.

The whole of this detail will be found to throw much light on several controverted topics.

1. It has been maintained that in the low lands of tropical climates, the negro will not work without compulsion. But compulsion was not the motive which stimulated the negroes in this instance to the extraordinary exertion of which Mr. Peschier complains. The dread of the stocks in the evening, and of the cart-whip in the morning was sufficient, without doubt, to induce them to finish the task allotted them in the course of the day, if it were practicable to do so; and Mr. Peschier must have supposed that they could do this with ease, and without over-exertion, otherwise he would have diminished the task. Why then did they over exert themselves? Why did they impose on themselves the pain of a more intense degree of labour in a tropical sun, when a less intense degree of it might have sufficed? It was obviously to gain for themselves time which they thought they could usefully or pleasantly employ for their own benefit or gratification. The inducement they had to work so much harder than was necessary, was obviously the prospective advantage resulting from it; in short the wages, of some kind or other, derivable from the use of the hour or two hours which they might be able to redeem, by increased exertion, from the king's cane piece. And is not this an affirmative solution

of the whole question, whether the negroes are or are not susceptible of any other stimulus to industry than coercion?

2. One would have expected that such promising indications of a susceptibility of higher motives than those of brute force, would have induced Mr. Peschier not to have checked, but rather to have encouraged the feeling. Instead of this, a plan is adopted which at once exinguishes every effort of industry on the part of the slave; leaves him no motive but the whip for completing his task; and frustrates every rising hope he might have indulged, of eventual benefit to himself, from increased exertion in the service of the king. The proceeding is of a character both harsh and sordid, and its effect is both degrading and demoralizing. To have lessened the too oppressive task, and thus to have given fresh vigour to the nascent elation of hope, would have been the course which humanity and sound philosophy would have dictated. But this would have ill suited the meridian of Trinidad. There, the negro, like the galley slave at his oar, must be fixed to the hoe and to the cane piece from morning to night. He must not be allowed the luxury of purchasing, by quickened exertion, a consecutive hour or two in the day, to cultivate his own garden, or to visit a friend, or to enjoy his own domestic circle, or to fulfil any other object on which he may have set his heart. The elasticity of mind which such new facilities of enjoyment would produce, could not fail to redound to the master's advantage as well as to that of the slave. But it seems to be utterly beyond the contemplation of men habituated to West Indian feelings and principles, to regard the negro as a being to be operated upon by moral motives; and when the influence of such motives begins to be developed by circumstances, as in the present instance, the object of the master is not to foster, encourage, and direct, but to crush and destroy them.

3. And if on an estate belonging to the King, and superintended by the King's representative, we witness such oppressive proceedings, such excessive tasks, such disregard of the feelings of the slaves, such indifference to their moral elevation, such an exclusive anxiety to convert the whole capabilities of their bodily frame to the profit of the owner; what may be expected from the planters in general? Can we hope that *they* should not act still more entirely on the same selfish and sordid principles; and that they should not still more sternly exclude every consideration but that of their own profit? And when we see

such a scene laid open to us as that which is exhibited on the King's plantation of Carapechaima Hall, can we any longer wonder that the excess of deaths over births, among the slaves in Trinidad, should amount to $2\frac{3}{4}$ per cent. per annum?

4. We are led in the last place, by this communication, to recur to a position which was insisted upon on a former occasion,* namely, that the master, being the sole judge of the quantum of labour to be required from the slave, under the penalty of such corporal punishment as he may choose to inflict, the danger to be guarded against, in the introduction of task work, is the excessiveness of the tasks. Interwoven as this subject is with the happiness and life of the slave, it is impossible to contemplate it without expressing an earnest hope that Government would turn its anxious attention to the means of guarding against the evils which may arise from the system of taskwork; for, though it possesses many advantages, it is nevertheless liable to many most serious abuses.

VII. The last topic in the communications from Trinidad respects the state of crime among the slave population. The whole number of slaves is about 22,000. Of these there were committed to gaol in two years, from June 1824 to June 1826, 616 males, and 249 females. But of this number, 148 men, and 103 women, were committed merely for insubordination to their masters, and 319 men, and 116 women for absenting themselves, probably from fear of punishment, or to escape the severe exaction of labour or other ill-treatment. The whole number, besides, of committals for crimes, as assaults, petty thefts, &c., was 148 men, and 30 women,—being at the rate of 89 committals in a year. The rest, amounting to 686 in two years, or 343 in one year, appear to have proceeded entirely from the course of plantation discipline.

This, however, is but a very insignificant branch of the history of crime in Trinidad. On examining the general result of the record, kept in the Protector's office, of offences committed and punished on the plantations, during the same two years, they are found to amount to the enormous number of 11,131. Now the returns, made to the Protector, are not of the whole slave population, but only of that on *plantations*; and if the slaves, not belonging to plantations, are reckoned at a fourth of the whole, there will then only remain a population of 16,500, by

* Anti-Slavery Reporter, No. XXVII, p. 66.

whom this amount of crime has been committed. It is, however, only the adult, or rather the working population who should be taken into this account. Estimating these at the large rate of two-thirds of the whole, the number of those will be reduced to 11,000, who can, with any propriety, be viewed as the offending mass to whom the record of the Protector can have any reference. In two years, therefore, we have 11,131 offences recorded of 11,000 individuals. That is to say, (taking the average,) it is as if every individual plantation slave in Trinidad, capable of offending, had, in the course of two years, been guilty of some offence, and had been punished for it by the sole authority, and at the sole discretion of the master or manager. Here we seem to have a picture either of extraordinary viciousness on the part of the slave, or of reckless and unmeasured oppression and tyranny on the part of the master. The great mass of delinquencies, however, and of consequent punishments, seem to arise, not out of any peculiar depravity on the part either of the master or slave, but out of the very institution of slavery itself, and out of its cruel and irremediable tendencies to evil. Take as an example, some of the items of this black catalogue.

Refusing to work, and disobedience	1,825
Insolence, insubordination, &c.	1,423
Absconding	1,181
Neglecting duty, neglecting to throw grass, coming too late to work, &c. &c.	3,215
	7,644

The acts of stealing and theft amount to 773. Among the remaining offences are some of a very singular character. We shall instance a few of them.

Biting overseer	1
Biting driver	1
Holding and tearing driver's shirt	4
Seducing other men's wives	10
Infidelity to husbands	15
Neglecting prayers	121
Refusing to keep the sabbath	1
Idleness and laziness	34
Refusing to take medicine	9

Setting a bad example to children	3
Practising obeah	4
Lying	42
False complaints	109
Indecent language, &c.	40
False pretence of sickness	30

Of late, and since it has been proposed to abolish female flogging, the public has been deafened with loud complaints of the superior viciousness of the female slaves. An opportunity is now given of examining their truth. Those, indeed, who have watched the course of the West Indian controversy from its commencement, must have perceived how constantly the most material facts have been grossly misrepresented, either from ignorance or design, by those who alone had access to know them, that is to say, the resident colonists. For a great length of time they made the people of England believe that the decrease on their plantations arose from the excess of the men, as compared with the women. When, by means of registration, correct returns were at length obtained, it was found that, not in the aggregate only, but in almost every colony, the females exceeded the males.—So now, it is repeated to satiety that the women slaves are worse than the men, more frequent offenders, more insubordinate, and more liable to punishment. It has been already seen how this assertion is met by the gaol returns. In these, the number of female prisoners amounts to a little more than a third of the men. So in the Protector's return, the number of male offenders is 6,223, of women 4,908. There are indeed some particular delinquencies, in which the women outnumber the men; and these, it must be admitted with regret, for the credit of the sex, are—refusing to work, insolence, quarrelling and fighting with one another, lying too long in the morning, neglecting their prayers, and indecent language and behaviour.

Having now given an abstract of the proceedings with respect to reform which have occurred in the different colonies, it only remains to notice the reports which have been laid before Parliament from the two West Indian Bishops.

REPORT OF THE BISHOP OF JAMAICA.

With a single exception, all that is interesting in the communications of this prelate has respect to the parish of St. Thomas in the East: for we make no account of mere *projects* for erecting chapels and founding schools, which are, as yet, only in prospect, and not in actual existence and operation. What we desiderate from the Bishop is not so much a report of "the growing disposition" of the colonists "for instructing the slave and coloured population," nor even of the numbers baptized and married, (for all this involves no sacrifice on the part of the planters,) but of the actual number of slaves, and also of free coloured persons, who are really enjoying the benefits of instruction; distinguishing those who attend the Sunday schools, and also the week-day schools; stating the frequency, and length, and hours of their attendance; the nature of the instruction they receive; and whether it be *oral* only; the time and means bestowed upon it; the progress made in acquiring the rudiments of knowledge, &c.;—also the numbers who attend religious worship, and the beneficial effects produced by the lessons of Christianity on their hearts and lives, together with an account of the obstacles which impede the progress both of education and religious instruction. On these points we have nothing which is specific and satisfactory—all is vague and indistinct. We hear of three deacons and five priests being ordained; of *oral* instruction on a Sunday in one parish, St. Thomas in the East, of which alone we seem to hear; of a Church missionary, who, on a single estate, is exerting himself laudably: and of a second parish, in which there is a beginning of effort on the part of a curate. With these exceptions, all seems future and contingent. In a state of things like this, where there prevails so universal a destitution of religious light, it is almost ludicrous to observe the style of the Bishop's official communications with the Secretary of State. He seems to announce it as a triumph of religion that he has excluded from schools all books but those of the Society for promoting Christian knowledge. At the very moment that he is admitting the deplorable want of Christian instruction in the Bahamas, he speaks, with a kind of horror, of a layman who had been appointed a *preacher* by the local authorities, and who, officiating in a place of worship that was *unconsecrated* and *private property*, read every part of the Church service, including the absolution! to a large congregation, and expounded the Scriptures. "*I* can, of course," says the Bishop, "have

no jurisdiction over this layman, but I cannot help observing on the *irregularity of a person not in holy orders, thus ministering publicly in the congregation.*" And was this not better than having no ministrations at all? And was it not a subject of rejoicing instead of censure, that a christian congregation had been formed, and the prayers of the Church devoutly used, and the Scriptures expounded, even by a layman, rather than that the worship of God should have fallen into utter neglect? At the same time the Bishop candidly confesses that this layman, who, by the way, is a FREE BLACK, of the name of Joseph Watkins, is a person, to the excellence of whose character it is his duty to bear testimony, and whose disciples, for he examined them himself, he found strictly brought up in the principles of the Established Church. And yet, instead of at once obviating all difficulty, and preventing all future irregularity, by at once ordaining this excellent and useful individual as a Minister of the Church of England, he propounds it as matter of grave consideration to Lord Bathurst, whether *Catechist* would not be a more appropriate title for Joseph Watkins, than that of *Preacher*, which the Bahamas' legislature have bestowed on him with a salary of £50 currency a year. The Bishop ought to have at once laid his hands on him, thanking God for having unexpectedly raised up such an instrument of good in that land of spiritual darkness.

REPORT OF THE BISHOP OF BARBADOES.

The Report of the Bishop of Barbadoes is still more meagre than that of his brother bishop, consisting of little more than proposals for building churches and parsonage houses, and memorials to the Secretary of State for public money to aid in defraying the cost of their erection. Schools and places of worship are spoken of, as *about* to be established; but we hear of scarcely any actually in operation, excepting one erected, on his estate in St. Vincent's, by Mr. Wilson the member for Yorkshire, who, it seems, is a planter of that island. The legislatures of several of the islands, have also been voting sums of money in aid of the funds for erecting places of worship, parsonages, &c.

It seems to be the policy of the bishops to say nothing of the people of their diocese but what is favourable: we hear much of their good *dispositions*, their liberal *intentions*, their *kindnesses*, and *courtesies*; but not a word of opposition or counteraction. In pursuance

of this policy, a strict silence has been observed as to what passed during the bishop's visit to Demerara, and his rude reception there; and not one syllable has been allowed to transpire of the difficulties experienced in Barbadoes, where the instruction, of which so hopeful a promise was given in the report of last year, has been retrograding, instead of advancing. In that report, the bishop spoke, in high terms of satisfaction, of the efforts making by the Rector of St. Lucy's parish, the Rev. Mr. Harte, for the improvement of the slaves, all of whom, with scarcely an exception, were then stated to be under religious instruction. Since that time, however, these fair appearances have vanished; and Mr. Harte, for no cause but his zeal in the performance of his duty, has become a proscribed man, the only planter in the parish who continued to admit him to his estate, Mr. Leacock, having, on that account, been in a manner excluded from society. It may be unfair to blame the bishops for their silence on such points; but then let us at least understand the principles on which their reports are framed. For, of course, it is only by knowing the whole of the case, that a just estimate can be formed of the real progress which is making; and it is clear, that if only the favourable side of things be exhibited, and the unfavourable be systematically withheld, Parliament, and the public, will, in fact, though not in intention, be widely misled.

It appears that it must have been on some such principle as this, that the bishop's relation composed his "Six Months' Tour in the West Indies;" and the effect of which, therefore, (whatever may have been the writer's purpose and motive, which we mean not to arraign,) has been, undoubtedly, greatly to deceive and mislead the public.

Nothing can be clearly and satisfactorily known, respecting the progress of education and instruction, until the bishops shall require from all their clergy, catechists, and teachers, periodical returns, detailing all the particulars necessary to be known; such as will admit of it, being ranged in a regular, prescribed, tabular form, so as to obviate the vagueness, and indistinctness, which attach to the present mode of communication. And such returns are due to parliament, and the public, who are defraying much of the expence of the ecclesiastical establishment, and of the plans formed for the diffusion of religious knowledge among the slaves.

POSTSCRIPT.

Sunday Labour in Trinidad.

The preceding pages were printed previous to the appearance of another document connected with the Island of Trinidad, entitled, "Copy of all Laws and Regulations which prescribe the time to be allowed to Slaves in Trinidad, for the cultivation of their provision grounds." It was ordered to be printed June 12, 1827, and is numbered 465. The Guardian of Slaves states it to be the only regulation existing in the island of Trinidad on that subject, and to be part of an ordinance issued by General Picton on the 30th of June, 1800, soon after the colony came into the possession of Great Britain. It is as follows:—

"Exclusive of the allowance of salt meat or fish, (in which there can be no exemption,) every working negro of fourteen years and upwards, shall have a portion of land allotted to him adequate to produce, by cultivating it, a sufficiency of ground provisions for himself and his family; and to furnish him the more effectual means of doing so, he shall be allowed the Saturday, from noon, to work in his grounds, from the first day of July to the first day of January, if he belongs to a sugar plantation; and from the first day of January until the first day of July, if he belongs to a coffee, cocoa, or magnioc plantation. He will have also his Sundays, and the four great annual holidays of Christmas-day, New-Year's-day, Good-Friday, and Corpus-Christi."

By the existing law of Trinidad, therefore, a part only of 26 days in the year, besides Sunday, and four holidays, is given to the slave for the purpose of maintaining "himself and his family." After working in the cane or coffee field from five in the morning till noon, on Saturday, he is then dismissed to his grounds. And if the usual interval of two hours' rest at noon is allowed him, which, after seven hours continuous labour in the sun, seems indispensable, the time which he can employ in his grounds will not exceed five hours at the utmost. So that, with the exception of a little salt fish, the whole amount of what is allowed to the slave in order to obtain food for himself and his family, is 130 hours' labour in the year, being not equal to more than ten or twelve of those days which he gives to his master.

When the Trinidad Order in Council was first promulgated, a strong suspicion was entertained that the slave had been unfairly dealt with

on this point, and the total silence of the Order respecting it, did not tend to dissipate that feeling. Accordingly, in the Second Report of the Anti-Slavery Society, published in 1825, (p. 72,) the subject was thus adverted to. "By the Trinidad Order, no day in lieu of Sunday is given to the slave. If there exist, therefore, no other order to that effect, the slave will be as much compelled by the necessity of the case to labour for his subsistence on that day, which is, in fact, labouring for his master's benefit, as if the master stood over him with the whip. He must work on that day or starve. But what is actually, according to the law of Trinidad, the number of week-days in the year allowed to the slaves for labouring in their provision grounds? The number is *said* to be 26. It is obvious, however, that if 26 days be the time really allowed to the slave in Trinidad, besides Sunday, then they have 56 days less in the year than the Spanish law is understood to allow them. By that law, as well as by the law of Brazil, slaves are allowed a day in every week, besides Sundays, and 30 holidays in the year; and it merits inquiry how it is that, under the British Government, they should have been deprived of the full time to which the Spanish law, which is the law of the island of Trinidad, entitles them. In any case, now that Sunday has ceased to be a day of compulsory labour, it seems no more than strict justice, in addition to the number of week days hitherto enjoyed by the slaves, that a full and fair equivalent should be allowed them for the Sunday, otherwise they will either be much worse off for the means of subsistence than they were before, or they will still be driven to the necessity of employing the day of rest in labouring for their subsistence;—which is, in fact, doing that which the Order in Council, in terms, prohibits, *labouring for their master's benefit* on that day."

The subject has since been repeatedly and earnestly pressed on the attention of the public. But nothing has been done, and when after much delay, information has at length been obtained, as to the real state of the law, it appears that the Anti-Slavery Society had been too liberal in their estimate of its humanity, and that instead of 26, only 13 short days in the year are allowed the slave to cultivate provisions for himself and his family.

Can any thing be conceived more oppressive than the conduct of Great Britain has been, in this particular, towards the slaves of Trinidad,—an island which it was one of Mr. Canning's early objects in life

to make the scene of an experiment in free labour? The Spanish law, as well as that of Brazil, gave to the slaves 134 days in the year which he could call his own, namely a day in the week, besides the Sundays, and 30 holidays. It had scarcely come into British possession when a proclamation from General Picton reduced that time to 69 days in the year, namely 52 Sundays, 4 holidays, and 13 days besides.

In 1824, however, came forward, in the shape of the Trinidad Order in Council, those grand measures of negro amelioration, which were thoroughly to reform the abuses of the slave system. But by this Order, the slave, instead of being benefited by the grant of additional time, is deprived of the 52 Sundays as days of labour, and no other days are given to him in their stead. He is thus left with only his 13 common days and four holidays,—so that even if Christmas-day, Good-Friday, &c., are devoted to toiling in his grounds, he has only 17 days which he can lawfully employ in raising food for himself and his family, instead of 134 in the first instance, and 69 in the second.

Well might Sir Ralph Woodford specify as one of the first practical difficulties attending the Order in Council, "the prohibition of Sunday labour."* And, as might be expected, under the circumstances of the case, he states, that "working in their grounds is common to all industrious negroes on the Sunday;" and that even "the restriction on slaves working on Sundays for hire" is "generally evaded." He therefore proposes that the restriction should be wholly done away. To these frank admissions, Sir Ralph Woodford ought, in fairness, to have added another;—that, under the existing regulations, if the slave did not employ the Sunday in his grounds, he must starve; and that nothing could have been more absurd than to assume, as the Order in Council seems to have done, that labour on the Sunday (from which labour the slave had hitherto principally derived his subsistence) could be abolished, unless equivalent time were given in lieu of it.

The appearance of this document has thrown new light on the lengthened communications which have taken place, during the last three years, between Lord Bathurst and Sir Ralph Woodford on the subject of Sunday labour. The whole of these communications wear now something like the air of a piece of grave irony played off upon his Lordship; the planters of Trinidad stickling on one side for their

* Papers of 1827, Part ii. p. 254.—See also above, p. 65.

right to the slaves' labour in his grounds on the Sunday; Lord Bathurst, on the other, proving most irrefragably, that they have no right to it; and yet, all the while, the slaves, according to Sir Ralph Woodford, adopting, *ex necessitate rei*, a practical conclusion in favour of the planter, and against his Lordship. His Lordship's reasons against Sunday labour are unanswerable; but as the slave has no other time allowed him, he must labour on that day or starve. Accordingly, he is compelled to labour on that day, if not, as formerly, by the flogging which awaited his neglect, yet by the gnawings of hunger, and the cries of his famished children.

Having stated these various authentic facts, on the subject of THE FURTHER PROGRESS OF COLONIAL REFORM, it is not intended, at present, to accompany them with any additional observations, but to leave them to their own effect on the public mind.

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